

It is expected that a Quorum of the Personnel Committee, Board of Public Works, Plan Commission 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, June 1, 2009
6:00 PM
AGENDA**

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL/EXCUSED ABSENCES

D. PUBLIC HEARING

1. Proposed amendment to Title 13, Article B of the Code of Ordinances relating to zoning height, area, and setback exceptions.
2. Proposed various amendments to Title 13, Article F of the Code of Ordinances related to the regulation of signs.
3. Proposed creation of an ordinance establishing criteria for proposing and enacting amendments to the City of Menasha Comprehensive Plan.

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. Public Health Nurse Nett – Recognize Menasha Senior Center in achieving statewide accreditation through the Wisconsin Association of Senior Centers
2. Mayor Merkes - Receipt of Innovations in Urban Forestry Award
3. PWD Radtke – Status of single stream recycling
4. Clerk Galeazzi - the following minutes and communications have been received and placed on file:

Minutes to receive:

- a. Administration Committee, 5/18/09
- b. Board of Public Works, 5/18/09
- c. Board of Health, 4/8/09
- d. N-M Fire Rescue, 5/26/09; Finance & Personnel Committee
- e. N-M Fire Rescue, 5/27/09; Joint Fire Commission
- f. Parks and Recreation Board, 5/11/09
- g. Plan Commission, 5/19/09
- h. Safety Committee, 3/19/09; Police
- i. Safety Committee, 4/1/09; City Hall
- j. Safety Committee, 4/21/09; Public Works and Parks

Communications:

- k. Ald. Taylor, 5/26/09; Notice of Sheriff's Sale & Legal Desc.; Headwaters Condominium LLC
- l. Menasha Utilities, 5/28/09; Steam Detail for months ending April 30, 2009
- m. Mayor Merkes/PWD Radtke/CDD Keil, 5/28/09; Storm Water Runoff Charge- 5 Oaks Park

"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 24-hours in advance of the meeting for the City to arrange special accommodations."

- n. Menasha Sustainability Board, 5/28/09; Farm Fresh Market Flyer
- o. Waverly Sanitary District minutes, 4/14/09

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. Joint Common Council & Menasha Utilities Commission, 5/12/09
2. Common Council, 5/18/09

Administration Committee, 5/18/09 – Recommends Approval of:

3. Accept quote of The Post Crescent as the official City newspaper, May 2009-May 2010.

Board of Public Works, 5/18/09 – Recommends Approval of:

4. Street Use Application – 22nd Annual Steak Fry for Boaters & Guests; Saturday, June 20, 2009; 4:00 PM – 10:00 PM (City of Menasha Marina)
5. Street Use Application – 12th Annual Corn Roast for Boaters & Guests; Saturday, September 5, 2009, 2009; 4:00 PM – 10:00 PM (City of Menasha Marina)
6. Street Use Application – Sun Runner; Saturday, June 20, 2009; 7:00 AM – 11:00 PM; (Menasha Action Council)

Plan Commission, 5/19/09 – Recommends Approval of:

7. Retaining the road reservation at 921 Midway Rd. based on the finding that access may be needed for development of the adjacent vacant parcel to the south of the 921 Midway Rd. parcel

H. ITEMS REMOVED FROM CONSENT AGENDA

I. ORDINANCES AND RESOLUTIONS

1. O-14-09 – An Ordinance relating to signs
2. O-15-09 – An Ordinance relating to comprehensive plan amendments
3. R-13-09 Final Resolution Authorizing Public Improvements and Levying Special Assessments Against Benefited Property; Southfield West and Tana Lane (2" Temporary Asphalt Pavement) (Recommended by the Board of Public Works, Introduced by Ald. Pack)

J. ACTION ITEMS

1. Accounts Payable and Payroll for the term 5/21/09-5/28/09 in the amount of \$899,516.52
2. Licenses: Renewal liquor and malt beverage applications on file with City Clerk for the licensing year July 1, 2009-June 30, 2010.
3. Request for Outdoor Alcoholic Beverage Permits for the licensing year July 1, 2009-June 30, 2010 for the following:
 - a) Stone Toad Bar Grill, 1109 S. Oneida Street
 - b) Hot Brass, d/b/a The Locker Room, 800 Plank Road
 - c) Nauts Landing, 124 Main Street
 - d) Wiseguys Pizzeria & Pub, 1440 S. Oneida Street
4. Approval to Retain Legal Counsel to Assist City in Bondholders Negotiations (Steam Utility)

K. APPOINTMENTS

L. CLAIMS AGAINST THE CITY

M. HELD OVER BUSINESS

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

O. ADJOURNMENT

MEETING NOTICE

Wednesday, June 3, 2009 – Special Common Council Meeting – 5:00 PM

**Monday, June 15, 2009 - Council Chambers
Common Council – 6:00 PM
Administration Committee – to be determined
Board of Public Works – to be determined**

City of Menasha
Notice of Public Hearing

Informal Public Hearing – Menasha Plan Commission – 3:30 PM Tuesday, May 19, 2009
Council Chambers, City Hall 140 Main Street

Formal Public Hearing – Menasha Common Council – 6:00 PM, or shortly thereafter,
Monday, June 1, 2009 Council Chambers, City Hall 140 Main Street

Notice is hereby given that the City of Menasha is proposing an amendment to Title 13, Article B of the Code of Ordinances relating to zoning height, area, and setback exceptions. If adopted, this amendment would prohibit any principal structure or accessory structure that is erected after June 1, 2009 to be placed within 10 (ten) feet of a dedicated drainage easement. Persons interested in the proposed change to the zoning code are encouraged to provide oral or written comments for consideration at the public hearings. Copies of the proposed ordinance will be available from the Department of Community Development after May 11, 2009.

Deborah A. Galeazzi, WCMC
City Clerk

Run: May 12 & 25, 2009

Informal Public Hearing – Menasha Plan Commission – 3:30 PM Tuesday, May 19, 2009
Council Chambers, City Hall 140 Main Street

Formal Public Hearing – Menasha Common Council – 6:00 PM, or shortly thereafter,
Monday, June 1, 2009, Council Chambers, City Hall 140 Main Street.

Notice is hereby given that the City of Menasha is proposing various amendments to Title 13, Article F of the Code of Ordinances related to the regulation of signs. If adopted, these amendments would: 1) expand and clarify signage requirements related to the C-2 Central Business District, 2) clarify the permissible size, use and definition of “Electronic Message Centers”, 3) establish new criteria for off-premises signage for business parks, office parks and similar developments.

Notice is further given that the City of Menasha is proposing to create an ordinance establishing criteria for proposing and enacting amendments to the City of Menasha Comprehensive Plan. Persons interested in the proposed changes to the sign code or in the comprehensive plan amendment procedures are encouraged to provide oral or written comments for consideration at the public hearings. Copies of the proposed ordinances will be available from the Department of Community Development after May 11, 2009.

Deborah A. Galeazzi, WCMC
City Clerk

Run: May 12 & 25, 2009

The City of Menasha Congratulates

The Menasha Senior Center



On April 21st, 2009

For achieving statewide accreditation
through the Wisconsin Association of
Senior Centers.

Very few Senior Centers in the state of
Wisconsin reach this goal, and with a two
person staff this is especially impressive.

Menasha is proud to have such an
active, hard working senior group
woven into the fabric of our community.



"That, some achieve great
success is proof to all that
others can achieve it as well."
-Abraham Lincoln

PHOTO COURTESY OF AERIAL PHOTOS OF AMERICA

Donald Merkes

Donald Merkes, Mayor

Deborah A. Galeazzi
Deborah Galeazzi, City Clerk



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TTY Access via relay - 711

May 27, 2009

Press Advisory

At 10 a.m. on Thursday May 28, Dan Traas, president of Ranger Services Inc. of Appleton and a member of the Wisconsin Urban Forestry Council, will present the 2009 Innovations in Urban Forestry Award at the former American Quality Fibers site. The award will be presented at the former drum recycling facility located at 204 Railroad St. in the City of Menasha.

Receiving the award will be City of Menasha Mayor Don Merkes; John Bodnar, Winnebago County corporation counsel, representing the county; Environmental Consultant Brian D. Wayner, representing OMNNI Associates of Appleton; and Sharon Isebrands, representing her husband Dr. J.G. Isebrands of Environmental Forestry Consultants. In addition to the plaque that Traas will present the county, the city, and the two consultants, the City of Menasha will receive a 2-inch Regal elm donated to the City of Menasha by Silver Creek Nurseries of Manitowoc. Award recipients will be available for interviews.

The Innovations in Urban Forestry Award, one of four awards presented this year by the Wisconsin Urban Forestry Council, "recognizes the innovative use of trees to assist in the clean-up of contaminated soil and groundwater at a contaminated brownfield property." In 2006, Winnebago County received a Wisconsin Department of Natural Resources Urban Forestry grant (facilitated by DNR Urban Forestry Specialist Tracy Salisbury) to purchase, plant, and monitor 400 trees on a contaminated brownfield property in the City of Menasha. The trees were used to assist in the remediation of contaminated soils and groundwater. Grant funds were also used for a public awareness campaign: for signs, tree tags, a newsletter, and website updates used to increase public awareness of how trees can be used to help restore brownfield properties in urban settings.

The Wisconsin Urban Forestry Council presents annual awards to outstanding individuals, organizations, communities, and tribes that further urban forestry in Wisconsin. The council advises the DNR on the best ways to preserve, protect, expand, and improve the state's urban and community forest resources.

Details about the project can be found at the project's OMNNI Associates website at http://www.omnni.com/active_projects/former_american_quality_fibers_project/former_american_quality_fibers_project.html.

For additional information about the May 28 award presentation, contact Brian Wayner at 920.735-6900 or Dan Traas at 920.731-3511. More information about the Wisconsin Urban Forestry Council Awards can be found at <http://dnr.wi.gov/forestry/uf/council/awards.html>.

-30-



Memorandum

DATE: May 28, 2009

TO: Menasha Common Council

FROM: Mark Radtke, Director of Public Works *MR*

RE: Status of Single Stream Recycling

The City of Menasha currently collects recyclables by requiring separation of containers (glass, plastic, metal) from paper products (newspaper, magazines, corrugated, office paper, etc.). This is referred to as a dual stream recycling process because there are two separate streams of recyclables that are processed separately at the recycling facility.

Winnebago County, along with Brown and Outagamie counties, has made the commitment to offer single stream recycling to its member communities as a cost savings measure. With single stream recycling, all recyclables may be collected together in one container and transported to the processing facility where highly automated operations will separate the materials into the most marketable category of product. In order to most effectively accomplish this result, Winnebago County has voted to discontinue the acceptance of plastic bags as containers for recyclables, effective January 1, 2010.

The City of Menasha currently allows the use of clear plastic bags as containers for recyclables so we will need to revise our rules prior to 2010 to disallow the use of bags. We have been exploring several available options for our recycling collection program, among which include:

1. Requiring residents to use their own containers for recyclables and continue with monthly curbside collection,
2. Requiring residents to purchase carts that accommodate automated curbside collection (similar to our automated refuse collection program) which would allow biweekly curbside recyclable collection,
3. City purchase of these carts for automated collection, or
4. A combination of options 2 and 3 above.

City staff has recently been in contact with Winnebago County staff regarding the possibility of a loan to the City as an incentive to share in a consolidated bulk purchase of automated carts at the bid price received by the County. That price offers considerable cost savings over what we as a smaller community could achieve.

The County has preliminarily offered to loan funds to the City with a 4% interest rate and a three year term. We estimate the total cart purchase to be \$273,000 (6,500 carts @ \$42 each). Obviously, that is a considerable sum given the City's current financial status; however, that does allow us to proceed with single stream collection on a biweekly basis in a cost effective manner of collection.

We are not making any recommendation at this time. The purpose of this report is to apprise the Council of the need to eliminate the use of plastic bags in our recycling program starting in 2010 and to inform the Council that staff will be returning with a more detailed report and recommendation at a future meeting.

LANDFILL/ADMINISTRATION
(920) 232-1800
FOX CITIES
(920) 727-2884
FAX (920) 424-1189

100 W. COUNTY RD. Y
OSHKOSH, WI 54901
www.co.winnebago.wi.us



Winnebago County

Solid Waste Management Board

The Wave of the Future

RECEIVED

MAY 12 2009

SOLID WASTE/RECYCLING
TRANSFER STATION
(920) 232-1850
FOX CITIES
(920) 727-2896
FAX (920) 424-4955

LANDFILL GAS FACILITY
(920) 232-1800
FAX (920) 424-7761

DATE: May 7, 2009
TO: Contracted Responsible Units
FROM: Jennifer Semrau - Recycling Specialist
RE: April 2009 Scale Tickets & Tonnage Report

Enclosed are your recycling scale tickets for the month of April 2009. Check your tickets carefully for any errors and omissions. ***We need to be notified immediately of errors found or missing tickets so that we can correct the records.***

Your tonnage report is also enclosed. Review your ratios, pounds per person and how you compare to other units of similar size.

Solid Waste Management Board Votes to Discontinue Acceptance of Blue Bags Effective Jan. 1

On Wednesday, 5/6 the Winnebago County Solid Waste Management Board voted to discontinue the acceptance of 'blue bags' for commingled recyclables effective 1/1/10. While the term 'blue bags' has often been used, whether bags are blue, clear, black or any other color, they will not be accepted. The Board's action will not impact the majority of our communities as plans were already in place to eliminate the use of bags or bags are not being used now. However for those communities still using bags without a plan for discontinuance, I am very happy to work with you and assist in the transition. This action will allow Winnebago County to eliminate the debugging operation at the Transfer Station. This means reduced expenses in the forms of inmate labor, personal protective equipment, conveyor line maintenance, time/expense to transport/landfill the bags, etc. These cost savings will be passed onto you. If you have any questions or concerns, please feel free to contact me at (920) 232-1853 or jsemrau@co.winnebago.wi.us.

Oshkosh Medication Collection Program Results

The spring medication collection held at the Oshkosh Senior Center on 4/30 was a tremendous success! Residents were able to bring in expired or unwanted human and pet medications in the forms of pills, capsules, ointments, liquids, sprays, drops, creams, inhalers, or any other drug no longer needed for its intended purpose. Both prescription and over-the-counter medications were accepted. A total of 455 residents brought in material during the four hour event, bringing in 588 pounds of non-controlled medications and 24 pounds of controlled medications. On 5/11, Neenah will host a medication collection at City Hall from 9:00-1:00. If you have any questions about the events, please feel free to contact me.

Reminder: Please Return Surplus Commodity Revenue Ballots by June 15

For your information, I will be out of the office on vacation May 14-21.

CITY OF MENASHA
ADMINISTRATION COMMITTEE
Third Floor Council Chambers
140 Main Street, Menasha
May 18, 2009
MINUTES

DRAFT

A. CALL TO ORDER

Meeting called to order by Chairman Wisneski at 6:23 p.m.

B. ROLL CALL/EXCUSED ABSENCES

PRESENT: Ald. Zelinski, Englebert, Benner, Pamenter, Taylor, Wisneski, Pack, Hendricks
ALSO PRESENT: Mayor Merkes, Attorney Rich Carlson, PC Stanke FC Vander Wyst,
Eng. Supv. Montour, Comptroller Stoffel, CDD Keil,
Deputy Clerk Sewall, and the Press

C. MINUTES TO APPROVE

1. Administration Committee, 5/4/09

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

D. ACTION ITEMS

1. Approval of Consulting Agreement with McClone Agency, Inc. for the period
July 1, 2009 to June 30, 2010 and authorize signature. (Held 5/4/09)

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

Discussion ensued about waiting until there is a new attorney on board before making a
decision on this item.

Moved by Ald. Zelinski, seconded by Ald. Pack to table.
Motion carried on voice vote to table.

2. Accept quote of The Post Crescent as the official City newspaper,
May 2009-May 2010.

Moved by Ald. Pamenter, 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)

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

Discussion ensued about the Mayor already been given power by the Common Council to make
this decision, the potential need for an on-site attorney during the interim, and the cost difference
between outsourcing different attorneys versus having former CA Brandt on staff until a new
attorney is hired.

Request made by aldermen to have Mayor Merkes contact former CA Brandt to find out if his
original quote is negotiable.

Moved by Ald. Pamenter, seconded by Ald. Englebert to hold this item
Motion carried on voice vote to hold item

E. ADJOURNMENT

Moved by Ald. Pack, seconded by Ald. Zelinski to adjourn at 6:37 p.m.
Motion carried on voice vote

Respectfully submitted by
Kristin Sewall
Deputy City Clerk

CITY OF MENASHA
Board of Public Works
Third Floor Council Chambers
140 Main Street, Menasha
May 18, 2009
MINUTES

DRAFT

A. CALL TO ORDER

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

B. ROLL CALL/EXCUSED ABSENCES

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

ALSO PRESENT: Mayor Merkes, Attorney Rich Carlson, PC Stanke FC Vander Wyst, Eng. Supv. Montour, Comptroller Stoffel, CDD Keil, Deputy Clerk Sewall, the Press and Paul Brunette (Wreath Factory)

C. MINUTES TO APPROVE

1. May 4, 2009

Moved by Ald. Zelinski, seconded by Ald. Englebert to approve minutes

Motion carried on voice vote

D. ACTION ITEMS

1. Street Use Application . 22nd Annual Steak Fry for Boaters & Guests; Saturday, June 20, 2009; 4:00 PM . 10:00 PM (City of Menasha Marina)

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

Motion carried on voice vote

2. Street Use Application . 12th Annual Corn Roast for Boaters & Guests; Saturday, September 5, 2009, 2009; 4:00 PM . 10:00 PM (City of Menasha Marina)

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

Motion carried on voice vote

3. Street Use Application . Sun Runner; Saturday, June 20, 2009; 7:00 AM . 11:00 PM; (Menasha Action Council)

Moved by Ald. Zelinski, seconded by Ald. Pamerter to recommend approval to Common Council

Discussion: Paul Brunette from the Wreath Factory explained the benefits to the downtown by holding this event.

Ald. Taylor thanked him for the hard work.

Motion carried on voice vote

4. R-13-09 Final Resolution Authorizing Public Improvements and Levying Special Assessments Against Benefited Property; Southfield West and Tana Lane (2+Temporary Asphalt Pavement) (Ald. Pack)

Moved by Ald. Zelinski, seconded by Ald. Benner to recommend approval to Common Council

Motion carried on voice vote

E. ADJOURNMENT

Moved by Ald. Pamerter, seconded by Ald. Wisneski to adjourn at 6:45 p.m.

Motion carried on voice vote

Respectfully submitted by
Kristin Sewall, Deputy City Clerk

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
BOARD OF HEALTH
Menasha Health Department
316 Racine Street, Menasha**

04-8-2009

Minutes

- A. Meeting called to order at 8:25 PM by Chairman C. Rusin.
- B. Present: Teresa Shoberg, Candyce Rusin, Lori Asmus, and Susan Nett. Excused: Dorothy Jankowski.
- C. MINUTES TO APPROVE
1. Motion to approve minutes from March 11, 2009 meeting made by T. Shoberg and seconded by L. Asmus. Motion carried.
- D. REPORT OF DEPT HEADS/STAFF/CONSULTANTS
1. March 2009 Communicable Disease report shared with board members. The trend of increased sexually transmitted diseases (especially chlamydia) continues. Again this month that is the only communicable disease reported. This is reported as a statewide trend. Last week, STD prevention education was completed with the 9th grade health class (all 9th graders are required to take this health class).
 2. TB Dispensary Site Update given. The MOU for 2009-10 is awaiting approval by the common council and then will be submitted to the state. The MOU for 2008-09 was just recently signed and returned by the state.
 3. Preparedness Planning/Faith Based Communities—This committee continues to fine tune the preparedness manual for faith based communities. Once finalized, a pilot project will be completed to determine if any further changes need to be made.
 4. School Based Immunization Clinics – April 2009. Clinics are scheduled this month in the schools to meet the new immunization law requirements. Preliminary return of forms indicates a better response from parents this year as compared to last year.
 5. Emergency Preparedness Mass Clinic Exercise – August 5, 2009. S. Nett explained that the health department will be doing a practice drill to see how efficiently they can open up a mass clinic site and be prepared to dispense whatever medication may be needed. Volunteers from the volunteer pool will be utilized as part of their annual training.
 6. State Review of Health Department (August 2009). S. Nett informed board members the state wants a definite month cited as to when the required review of the local health department will be completed and submitted. C. Rusin prefers September. S. Nett will notify the state of such.

"Menasha is committed to its diverse population. Our Non-English speaking population and those with disabilities are invited to contact the Menasha Health Department at 967-3520 at least 24-hours in advance of the meeting for the City to arrange special accommodations."

7. Child Death Review Team. S. Nett explained the process for the Child Death Review Team now being organized in Winnebago County. Menasha will be represented by S. Nett, J. Jorgenson (police), and M. Thiry (Menasha Schools).
8. ABRIA – Medicaid Provider. S. Nett will be meeting with a rep from ABRIA to discuss reimbursement of certain services provided to their HMO members by the health department.
9. Child Car Seat Program Update---The health department now has a nurse trained in child car seat inspections. According the rules for the Child Passenger Seat program, the trained car seat checker can not move to the next level of independence in checking car seats until she has correctly inspected 150 carseats. This could take 2 or more years to accomplish. As soon as our checker is feels she is competent to function independently we will start scheduling car seat checks for Menasha residents at either the health department or in the bay at the fire department.
10. Winnebago County Mortuary Plan---this plan was unveiled last month. Winnebago County is only the second county in the state to have such a plan. It has taken two years of persistent effort to have a plan in place for mass casualties.
11. Register of Deeds MOU—This MOU has been updated with both counties as a requirement for the state review.
12. 60+ Grant Application---Request to submit this grant application to Winnebago County Commission on Aging for 2010 was presented to the common council on April 6th. It is due to the county by May 1st. Request for 3% more than what was received for 2009 will be submitted.
13. Wisconsin Public Health Workforce 2008 Report was distributed to board members.

E. ACTION ITEMS

1. Election of Officers: Chairman and Vice Chairman. Motion to have C. Rusin continue as chairman made by L. Asmus and seconded by T. Shoberg. Motion carried. Motion to have L. Asmus continue as vice-chairman made by C, Rusin and seconded by T. Shoberg. Motion carried. S. Nett expressed willingness to continue as secretary. Board members in agreement as S. Nett continues to be responsible for the minutes.
2. WALHDAB Election of Officers: Co-President Elect Board of Health and Health Officer Secretary. S. Nett explained that board of health members are asked to cast a ballot for election of officers for the state organization of Wisconsin Association of Local Health Departments and Boards. The roster of nominees was presented by S. Nett for Co-President Elect for Boards of Health and for Health Officers and for Secretary. All three positions are uncontested. Board members can submit a write-in name if they so choose. Motion to cast a unanimous ballot for Dennis Wedde, Jean Durch, and Patty Krug made by T. Shoberg and seconded by L. Asmus. Motion carried. S. Nett will send in the ballot.

F. HELD OVER BUSINESS

1. None

G. ADJOURNMENT

1. Motion to adjourn at 9:17 AM made by T. Shoberg and seconded by L. Asmus. Motion carried. S. Nett asked if the next Board of Health meeting could be changed to a different date to allow S. Nett to attend a table top exercise on preparedness in Oshkosh. As it was difficult to schedule an alternate day and time for members to attend, the meeting date and time was left as originally scheduled for May 13th.

Neenah-Menasha Fire Rescue
Finance & Personnel Committee Meeting
Tuesday, May 26, 2009
Hauser Room – City of Neenah

Ald. Stevenson called the meeting to order at 5:30 p.m.

Present: Ald. Wisneski, Stevenson, Hendricks, Benner, Lange and Ahles.

Also Present: Chief Vander Wyst, Director Stoffel and Administrative Assistant Theisen.

Election of Chair: **MSC Hendricks/Benner to nominate Sue Wisneski as chair, all voting aye.**

Election of Vice-Chair: **MSC Ahles/Wisneski to nominate Todd Stevenson as vice-chair, all voting aye.**

Ald. Wisneski took over the meeting as Chair.

Approval of Minutes: The Committee reviewed the minutes from April 28, 2009. **MSC Ahles/Stevenson to approve the minutes from April 28, 2009.**

Month End Budget Report: The Committee reviewed the April 2009 month end budget report. Ald. Wisneski asked about the auto/physical damage insurance. Chief Vander Wyst said the estimate for the budget was off and they did include more equipment items to insure this year. Ald. Ahles asked about maintenance of motor vehicles. Chief Vander Wyst said there has been work on a few of our vehicles. Many of this has been routine maintenance items. Ald. Benner asked for explanation of the FVTC reimbursements. Chief Vander Wyst said that this was the lease agreement that they have with the City of Neenah for space at Station 31. Ald. Stevenson asked about the professional services account. Chief Vander Wyst said this is for the 2009 physicals. **MSC Stevenson/Hendricks to accept and place on file the April 2009 month end budget report, all voting aye.**

Monthly End Activity Report: The Committee reviewed the April 2009 month end activity report. Chief Vander Wyst noted that we are working on training and inspections. We have also been at the local high schools to discuss dorm safety with the senior high students. **MSC Lange/Stevenson to accept the April 2009 activity report and place on file, all voting aye.**

Grant Update: Chief Vander Wyst said we are preparing a final draft Memorandum of Understanding for all of the participating departments for the driver's simulator. This draft agreement will be reviewed by all of the Chief's at their meeting next week. Once all participating departments approve this, then the simulator will be purchased.

Discussions with Surrounding Communities: Chief Vander Wyst said there is nothing new to report.

Recreational Fire Ordinance: Chief Vander Wyst noted that both Councils passed it. The pamphlet is being updated at this time.

Distribution of Agenda/Minutes Via Email: Discussion was held on having agendas and minutes sent out via email. The City of Neenah is currently trying to save money on reducing the number of paper copies. There are some members who do not have email access or check on a regular basis. The Neenah City Council has decided to try to have the minutes put out electronically and still put out paper copies of the agendas. **MSC Lange/Benner to table the distribution of agendas and minutes, all voting aye.**

Station 32 Basement Foundation Issue: The Committee reviewed the quote from ABT for the basement foundation for Station 32, located at 125 E. Columbian Ave. At the time, the low quote we obtained from ABC last year we have had issues with this company not returning phone calls. The new quote from ABT does include more extensive work and will be done the right way. Chief Vander Wyst said they looked at carrying over money from last year. However, we do have \$28,000 budgeted for City of Neenah expenses for 2009 and feels this should come out of this current budget. If something else comes up then we can go back and look at it our budget. Per the merger agreement this is a City of Neenah expense. The new quote reflects the addition of drain tile. Ald. Stevenson also asked who the quote was from the \$6,000 back in September. **MSC Ahles/Lange to secure another bid and define the scope of work for each bid and clarify the scope of work that was approved in September of 2008, all voting aye.**

MSC Stevenson/Benner to adjourn at 6:35 p.m., all voting aye.

Respectfully Submitted,

Len Vander Wyst
Chief

LV/tt

Neenah-Menasha Fire-Rescue
Joint Fire Commission Meeting Minutes
Wednesday, May 27, 2009 – 12:00 p.m.
2nd Floor Conference Room – City of Neenah

Vice-Commissioner Wales-Magners called the meeting to order at 12:00 p.m.

Present: Commissioners Jim Liebhauser, Mark Keating, Elizabeth Nevitt, Bill Mattes, Jason Dionne and Chris Wales-Magners.

Also Present: Fire Chief Len Vander Wyst and Administrative Assistant Tara Theisen.

Election of Chair: **MSC Liebhauser/Keating to nominate Bill Mattes as Chair, all voting aye.**

Election of Vice-Chair: **MSC Mattes/Liebhauser to nominate Jason Dionne as Vice-Chair, all voting aye.**

Chairman Mattes took over as Chair of the meeting.

Approval of Minutes: The Commission reviewed the meeting minutes from April 22, 2009. **MSC Libehauser/Mattes to approve the minutes from April 22, 2009, all voting aye.**

Activity Reports: The Commission reviewed the activity report from April 2009. This is informational only and no action is required.

Department Budget Report: The Commission reviewed the April 2009 budget report. This is informational only and no action is required.

NMFR Joint Finance & Personnel Committee Meeting: The Commission reviewed the Joint Finance & Personnel Committee meeting minutes of April 28, 2009. This is informational only and no action is required.

Commissioner Nevitt entered the meeting at 12:20 p.m.

Town of Menasha and Town of Clayton Discussions: At this time there is nothing new to report and he will keep the Commission updated.

Distribution of Agenda/Minutes Via Email: Chief Vander Wyst mentioned that that the City of Neenah is trying to find ways to save money and reduce the amount of paper that is being generated. The Commission decided to try emailing agendas and minutes via email for the next few months and see how this works for everyone.

MSC Liebhauser/Nevitt to adjourn at 12:30 p.m., all voting aye.

Respectfully Submitted,

Len Vander Wyst
Chief

LV/tt

CITY OF MENASHA
PARKS AND RECREATION BOARD
Council Chambers, City Hall – 140 Main Street
May 11, 2009
DRAFT MINUTES

A. CALL TO ORDER

Meeting called to order by Chr. D. Sturm at 6:05 PM.

B. ROLL CALL/EXCUSED ABSENCES

MEMBERS PRESENT: Ron Suttner, Mary Francis, Chr. Dick Sturm, George Korth, Tom Konezke, Nancy Barker

MEMBERS EXCUSED: Ald. Jason Pamerter

OTHERS PRESENT: PRD Tungate, Asst. Park Superintendent Alix, Mayor Merkes, Mike King, The Post Crescent, Ald. Mike Taylor, Paul Brunette, Stan Sevenich, Tori Pitsch, Paula Pitsch and Jeff Jorgenson, Menasha Police Department

C. MINUTES TO APPROVE

1. Minutes to Approve:

Moved by G. Korth, seconded by N. Barker to approve the minutes of the April 13, 2009 Parks and Recreation Board meeting as amended. Motion carried 6-0.

D. PUBLIC COMMENT ON ANY MATTER LISTED ON THE AGENDA

Five (5) minute limit for each person.

1. Jeff Jorgenson from the Police Department spoke about the number of calls for service at Hart Park. His concern was the type of calls, not necessarily the volume of calls. Since April 13 there have been 10 calls for service. He may have some park eviction recommendations forthcoming.
2. Stan Sevenich spoke in support of replacing the rims at Hart Park. He does not see the correlation between the basketball rims and the troublemakers in the park. Both he and Jeff Jorgenson agree that when there is an adult presence in the park, few if any problems exist.

E. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

1. **Park Project Update – Asst. Park Superintendent Alix**
Asst. Park Superintendent Alix reported several ongoing park projects including: pool start-up, west diamond fencing, Jefferson Park shorewall repair, east diamond electrical work and 6-8 tree removals.
2. **Park Superintendent Hiring Update – PRD Tungate**
PRD Tungate stated that a new Park Superintendent should be named very soon. Tentative agreement has been reached with a candidate.
3. **PRD Tungate Absence at June 8, 2009 Board Meeting**
PRD Tungate told the Board that he will be on vacation for 13 days in June. The vacation was approved by the Mayor and he assured the Board that all pool and recreation start-up work would be complete prior to his June 8 departure.

F. DISCUSSION ITEMS

1. **Ald. Wisneski's E-mail Regarding St. Mary Central Championship Sign**
N. Barker presented a letter in opposition to Ald. S. Wisneski's e-mail expressing displeasure with the Board's approval of the St. Mary's girls basketball championship sign at 441/ Calder site.
2. **Hart Park Well – Ass. Park Superintendent Alix, PRD Tungate**
Asst. Park Superintendent Alix reported that the well at Hart Park has been temporarily capped. A public information meeting will be held at Hart Park in August to seek input on the impact of permanently closing the well.
3. **Jefferson Park Pavilion – Boulder Placement and Painting – Ald. Pamerter**

PRD Tungate reported that Ald. Pamentier had suggested painting the Jefferson Park pavilion and possibly adding boulders to restrict vehicles from cutting through to Kargus Drive.

4. **Jefferson Shorewall Repair/Permitting Process**
Staff is still awaiting DNR direction on how they can proceed with shorewall repair.
5. **Student Involvement on Park Board**
PRD Tungate reported a positive response from Menasha High School principal Larry Haase about student involvement on the Board. PRD Tungate will draft a position description for Board review.
6. **Friendship Trail – Oneida to LP Update – PRD Tungate**
Not much to report on the Friendship Trail – Oneida to LP. Staff is still awaiting any response from Gary Hanson, the DNR's regional trails coordinator.
7. **Open Meetings Law – CA Brandt's Response**
CA Brandt's e-mail concerning the Open Meetings Law was received by the Board.
8. **Jefferson Park Ball Diamond – Ron Suttner**
R. Suttner commented on field and scoreboard lights being out on the west diamond.

G. ACTION ITEMS

1. **Recommend Rule Change to Allow Disabled Veterans to Apply for Reduced Rates**
Motion by N. Barker, seconded by G. Korth to approve a change to the reduced season pool pass and recreation activity program that would allow any disabled adult veteran, regardless of residency, to apply for a reduced price season pool pass, boat launch parking pass or recreation program. Motion carried 6-0.
2. **Recommend Approval of Otto Grunski Event – July 24-25, 2009 – Jefferson Park – James Taylor, Community Forward, Inc.**
Motion by N. Barker, seconded by G. Korth to approve Otto Grunski Festival to be held on July 24-25, 2009 in Jefferson Park. Motion carried 6-0.
3. **Recommend Approval of Jamie Schwerin Memorial Softball Tournament – June 26-28, 2009 – Jefferson Park Tori Whitlinger-Pitsch**
Motion by T. Konetzke, seconded by R. Suttner to approve the Jamie Schwerin Memorial Softball Tournament on June 27-28, 2009 in Jefferson Park. Motion carried 6-0.
4. **Recommend Approval of Sun Runner Event – June 20, 2009 – Curtis Reed Square/Main Street Greenspace – Paul Brunette, Menasha Action Council**
Motion by R. Suttner, seconded by N. Barker to approve the Sun Runner event on June 20, 2009 in Curtis Reed Square/Main Street greenspace. Motion carried 6-0.
5. **Recommend Action Related to Basketball Rims at Hart Park**
Motion by R. Suttner, seconded by N. Barker to put the Hart rims back up in two months instead of one. Motion failed 3-3 on a roll call vote.

Second motion by T. Konetzke, seconded by G. Korth to put the rims back up as originally planned on May 15. Motion carried 6-0.
6. **Recommend Summer Meeting Locations and Temporary Secretary for June Meeting**
M. Francis agreed to serve as secretary for the June meeting. Locations for summer meetings will be: June: Jefferson Park, July: Smith Park, August: Hart Park, September: Barker Farm Park.

H. PUBLIC COMMENT ON ANY MATTER LISTED ON THE AGENDA

Five (5) minute time limit for each person.

1. No one spoke

I. ADJOURNMENT

Moved by G. Korth, seconded by T. Konezke to adjourn at 7:59 PM. Motion carried 6-0.

CITY OF MENASHA
Plan Commission
Council Chambers, City Hall – 140 Main Street
May 19, 2009
MINUTES

INFORMAL PUBLIC HEARING:

1. *Proposed Amendment to Title 13, Article F of the Code of Ordinance Related to the Regulation of Signs.*
No one spoke and no comments were received.
2. *Creation of an Ordinance for Proposing and Enacting Amendments to the City of Menasha Comprehensive Plan.*
No one spoke and no comments were received.
3. *Creation of an Exception to Setback Requirements Prohibiting the Placement of Structures Within 10 Feet of a Dedicated Drainage Easement.*
No one spoke and no comments were received.

A. CALL TO ORDER

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

B. ROLL CALL/EXCUSED ABSENCES

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

PLAN COMMISSION MEMBERS EXCUSED: Commissioner Norm Sanders and DPW Radtke

OTHERS PRESENT: CDD Keil

C. MINUTES TO APPROVE

1. **Minutes of the April 7, 2009 Plan Commission Meeting**
Moved by Comm. Sturm, seconded by Comm. Benner to approve the April 7, 2009 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. None.

F. ACTION ITEMS

1. **Release of Road Reservation – 921 Midway Road**
CDD Keil reported that Habitat for Humanity is in the process of purchasing the building at this address. They are requesting that the city release the 30 foot access easement along the east lot line as it may limit future use or development on that part of the lot. CDD Keil stated that he reviewed the proposal with DPW Radtke, and staff recommends the decision on releasing the easement should be deferred until such time as there is either a plan for the use of the easement area by Habitat for Humanity, or a development plan for the vacant parcel to the south of the site is presented.

Motion by Mayor Merkes, seconded by Ald. Benner to retain the road reservation based on the finding that access may be needed for the development of the adjacent vacant parcel to the south of the 921 Midway Road parcel.

The motion carried.

2. **Site Plan Review – 23 Main Street – Jitters**

CDD Keil stated that the applicant withdrew his site plan review application pending resolution of building and zoning code conflicts associated with the plan that was originally advanced.

3. **Proposed Amendment to Title 13, Article F Related to the Regulation of Signs**

CDD Keil stated that this item was formerly addressed by the Plan Commission with a recommendation for approval, but was held at the Common Council based on concerns related to guidelines for electronic message centers. The ordinance as now proposed contains specific limitations on illumination.

Motion by Ald. Benner, seconded by Comm. Cruickshank to recommend approval of the changes to Title 13, Article F related to the Regulation of Signs.

The motion carried.

4. **Proposed Amendment to Title 2, Chapter 4 Related to the Adoption and Amendment of the Comprehensive Plan**

CDD Keil stated that this item was formerly reviewed by the Plan Commission with a recommendation for approval, but based on comments from former City Atty. Jeff Brandt, the format needed to be reconfigured to fit within the organizational framework of the city's code of ordinances. There were no substantive changes to the text.

Motion by Comm. Schmidt, seconded by Comm. Sturm to recommend approval of the proposed amendment to Title 2, Chapter 4 Relating to the Adoption and Amendment of the Comprehensive Plan based on the finding that a procedure is needed to guide the public through the amendment process.

The motion carried.

5. **Proposed Amendment to Title 13, Article B Related to the Height, Setback and Area Exceptions**

CDD Keil stated that this amendment was proposed to limit the placement of structures in close proximity to drainageways. Ald. Benner requested that this item be held over pending consideration of the relationship of the proposed amendment to International Building Code requirements

This item was held.

G. ADJOURNMENT

Moved by Comm. Schmidt, seconded by Comm. Cruickshank to adjourn at 4:20 p.m.

The motion carried.

Minutes respectfully submitted by Greg Keil, Community Development Director



Police Department Safety Committee
March 19, 2009
Minutes

Meeting called to order at 2:30PM.

Present: Mike Brunn, Chuck Sahr, Sue Nett, Todd Drew

Absent: Jeff Brandt, Aaron Zemlock, Dave Jagla, Mark Mauthe, Bev Sawyer

A. Motion to approve minutes from January 15, 2009 meeting made by C. Sahr and seconded by M. Brunn. Motion carried.

B. Old Business

1. EOEP update – M. Brunn reports nothing has been determined yet for alternate location if building needs to be evacuated. He will remind Chief Stanke about this.
2. Discussion about respiratory assessments and fit testing for voluntary use of respiratory protection when encountering foul/offensive odors; and for SWAT team members. T. Drew presented the opinion of CVMIC that providing medical assessment and fit testing is considered a best practice. T. Drew also presented that the current safety plan requires medical assessment and fit testing for all employees who wear negative pressure respirators. C. Sahr will discuss the issue at the next SWAT Meeting. T. Drew also clarified the fact that the medical assessment is required once prior to respirator use, and that additional assessments are only required if the employee's health changes.

C. New Business

1. Monthly safety topic "Before you do it – Take Time to Think Through it" was electronically sent out to staff by C. Sahr.
2. There was a single cut / scrape injury related to trying to restrain a suspect. Injuries of this type are deemed unavoidable .
3. CVMIC walk thru conducted on 2/25/09 at the Police Department went very well. The only issues raised were an exit sign for the back entrance, clutter in the boiler room and the pressure on an air compressor used for blowing / cleaning off equipment in the boiler room (Maintenance).

D. Training

1. Hearing Conservation – T. Drew provided M. Brunn with sign up sheets. All but 8 officers are signed up for their screening.
2. Confined Space Refresher Training – T. Drew will coordinate training with N-M Fire Department and Menasha Public Works.

3. Hazard Communication – T. Drew will provide a computer based training for officers / staff to complete. Upon successful completion the course records are kept on a database automatically. There is no longer a requirement to print out certificates as was the case for the Bloodborne Pathogen Training conducted previously.
4. Investigation of Worker Injury Incidents – This training will be conducted in May by B. Rank – CVMIC for supervisory staff and Department Heads. More information to follow.

E. Meeting adjourned at 3:10 PM. Motion to adjourn made by M. Brunn seconded by C. Sahr.



**City Hall Safety Committee
Minutes
April 4, 2009**

Meeting called to order at 1:20 PM

Present: Adam Alix, Kristi Heim, Todd Drew, Sue Nett, Tom Stoffel, Tasha Saecker.

Absent: Jeff Brandt, Brian Tungate. Sylvia Bull

A. Motion to approve minutes made by T. Saecker and seconded by A. Alix.

B. Old Business

1. **EOEP Maps** – In process Memorial Building, Health Department and Senior Center.
2. **Space Heater Policy** – T. Drew policy will be drafted and ready to be put in place by fall 2009 prior to heating season.
3. **Lockout/Tagout** – Vehicle / motorized equipment section has been put in place. T. Drew will obtain spark plug caps for Maintenance Staff for locking out keyless small engine equipment (lawnmowers).
4. **City Hall CVMIC Walk Thru Update** – Reports on the walk thru conducted at City Hall and the Library were reviewed. Majority of previously identified issues have been corrected – remaining items are in process including clean-up of City Hall basement, hazard marking steps, etc.

C. New Business

1. **Monthly Safety Topic** – *Know the Score ... Before You Pour* was distributed and discussed. Topic covered review of labels and MSDS sheets prior to using chemicals.
2. **Injury Review** – No injuries reported.
3. **Employee Safety Manual Return and Pending Revisions** – Committee requested to have employees in their departments return their safety manuals to Department Head. T. Drew to have draft revised Safety Manual ready for review by the May 2009 safety meeting.

4. **Walk Thru Memorial Building** – Safety walk thru conducted during meeting. Refer to attached walk thru report.

D. Training

1. **Accident Investigation Procedures** – S. Nett and T. Drew to discuss accident investigation procedures and conduct a review of current forms with CVMIC on May 6, 2009. Safety Committee members requested to provide input or questions for this meeting. Future training with Department Heads and Supervisors to be scheduled following this meeting.
2. **Sexual Harassment Training** – Scheduled for November 18, 2009 at 8:30AM, 10:15AM and 1:15PM.
3. **EOEP Drills** – Library Drill scheduled for April 6, 2009 at 1:00PM.
4. **Hearing Conservation** – Hearing testing scheduled for the first 3 Thursdays in April. A. Alix reminded to check the signup sheets as some of the times had to be adjusted.
5. **Body Mechanics/Safe Lifting** – Training for Library and Maintenance staff to be scheduled in the month of April. T. Drew, A. Alix and T. Saecker to coordinate date(s) and times of training.

E. Meeting adjourned at 2:30PM

Next meeting Wednesday May 6, 2009 @ 1:15 PM.



Public Works/Parks Safety Committee Meeting
Minutes
April 21, 2009

Meeting called to order at 9:22 AM.

Present: Jeff Nieland, Adam Alix, Corey Gordon, Bill Basler Sr., Brian Tungate, Ken Popelka, Sue Nett

Absent: Jim Julius, Tim Jacobson, Mark Radtke, Jeff Brandt, Todd Drew

A. Minutes (March 31, 2009) – C. Gordon requested minutes be amended under injury review to change dumpster to 96 gallon automated cart. Motion to approve minutes as amended from March 31, 2009 meeting made by B. Basler and seconded by C. Gordon.

B. Old Business

1. Maintenance Shop – Remain in process of moving tires to outside storage area and cleaning room for tanks.
2. Signs all up for safety glass usage in maintenance shop and wood shop.
3. EOEP plan status – maps of facility in progress.

C. New Business

1. Monthly safety topic distributed. Topic this month stresses awareness of and safe handling of chemicals, hazardous materials.
2. Injury Review – During a repair to the city pool, an employee had an unstable footing/base, standing on a boat and cutting wall tile with a skill saw. Injuries included a shoulder and knee strain (same employee). Committee discussed the situation with no definitive agreement as to how this could have been done more safely.
3. Revised employee safety manual distributed. Committee members asked to review it and bring comments to next meeting.

D. Training

1. The driver training has been rescheduled to September.
2. Hearing screenings are in the process of being completed.
3. T. Drew working on a confined space review to be done in conjunction with N-M Fire Rescue.
4. Respiratory fit testing will be done in the next month.
5. EOEP Drill – April 23rd is tornado awareness day. J. Nieland and S. Nett will do a drill when the County does the severe weather drill at 1:15 PM.
6. Training for summer help needs to be scheduled.

E. Meeting adjourned at 10:20 AM

TO: Council
FR: Ald. Taylor

5/26/09

STATE OF WISCONSIN

CIRCUIT COURT

WINNEBAGO COUNTY

NORTH SHORE BANK, FSB

Plaintiff,

vs.

Case No. 09-CV-149

HEADWATERS CONDOMINIUM LLC

Case Code: 30301, 30404

GARY J. LAEYENDECKER

JAMES F. OLSEN

SUNSET BANK & SAVINGS

Defendants.

NOTICE OF SHERIFF'S SALE

PLEASE TAKE NOTICE that by virtue of an Order Approving Stipulation and for Judgment on Claim IV of the Complaint entered in the above-entitled action on April 10, 2009, I will sell at public auction in the lobby of the Winnebago County Courthouse, 415 Jackson Street, in the City of Oshkosh, County of Winnebago, State of Wisconsin, on the 16th of June, 2009, at 9:00 a.m. C.S.T., the premises described on the attached Exhibit A (the "Premises"). The Premises are generally known as 515 Broad Street, Menasha, Wisconsin.

The Premises will be sold AS IS, WHERE IS, with no representations or warranties. There is no warranty relating to title, possession, quiet enjoyment or the like in this disposition.

The winning bidder will be required to post ten percent (10%) of the bid amount by cashier's check or other cash equivalent.

Dated: April 21st, 2009.



Mike Brooks,
Sheriff of Winnebago County, Wisconsin

Plaintiff's Attorneys:
von BRIESEN & ROPER, s.c.
411 E. Wisconsin Ave., Suite 700
Milwaukee, Wisconsin 53202
Telephone: (414) 276-1122

21256808_1.DOC

To: Council
Fr: Ald. Taylor

5/26/09

EXHIBIT A

Legal Description

Units 102, 202, 203, 204, 303 and 304 in HEADWATERS CONDOMINIUM, being a condominium created under the Condominium Ownership Act of the State of Wisconsin by a "Declaration of Condominium for HEADWATERS CONDOMINIUM", dated December 2, 2005 and recorded December 6, 2005 in the Office of the Register of Deeds for Winnebago County, Wisconsin as Document No. 1380677 and Amendment No. 1 to said Declaration recorded as Document No. 1455171 and by a Condominium Plat therefore; together with all appurtenant rights, title and interests, including (without limitation):

- (a) the undivided percentage interest in all Common Elements as specified for such Unit in the aforementioned Declaration;
- (b) the right to use of the areas and/or facilities, if any, specified in the aforementioned Declaration, as Limited Common Elements for such Unit; and
- (c) membership in the Owner's Association as provided for in the aforementioned Declaration and in any Articles of Incorporation and/or Bylaws for such Owner's Association.

APN: 705-0003-02 and 705-0003-06 and 705-0003-07 and 705-0003-08 and 705-0003-11 and 705-0003-12

Menasha Utilities
Steam Detail
For the Four Months Ending April 30, 2009

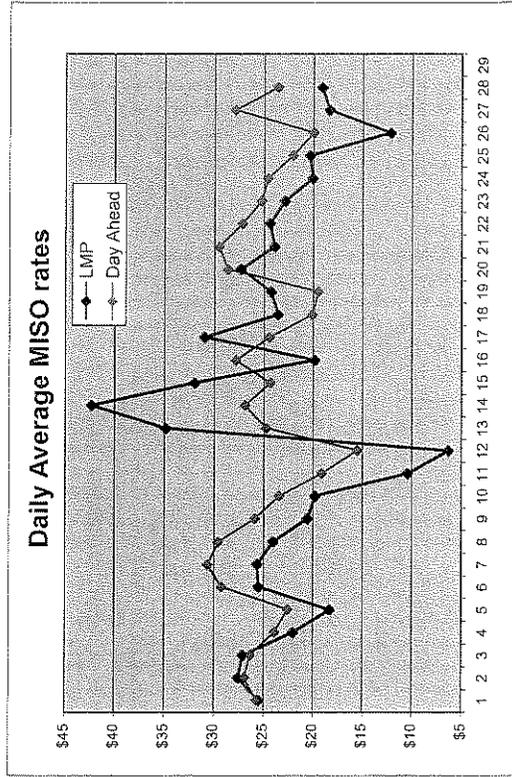
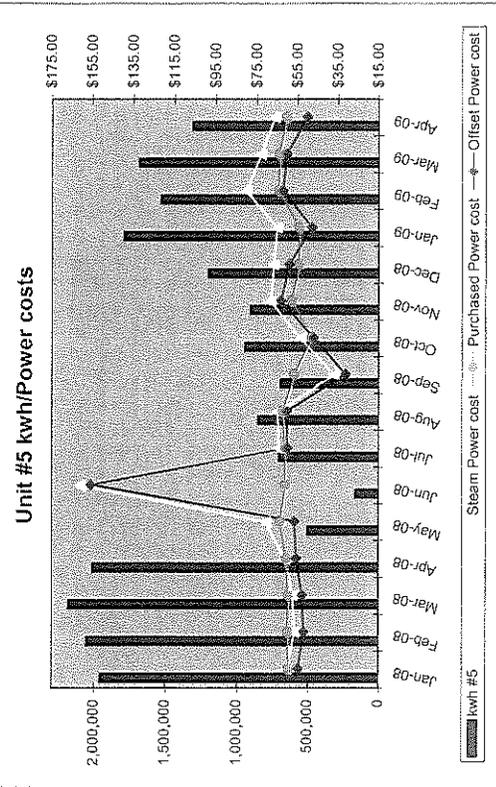
	Current Month		Actual	Year-to-Date		Annual Budget
	Budget	Variance		Budget	Variance	
Operating Revenues						
Steam Sales - Sonoco	\$559,744.83	(\$182,295.50)	\$2,554,195.65	\$3,104,600.81	(\$550,405.16)	\$8,543,839.45
Steam Sales - Aican	29,554.48	(5,630.67)	149,740.53	177,326.33	(27,585.80)	417,042.35
Steam Sales - Whiting	22,925.50	(18,858.44)	132,885.43	188,783.50	(55,898.07)	464,176.92
Electric Sales	86,545.67	(57,054.66)	452,050.45	572,998.18	(120,947.73)	1,224,408.33
MISO Sales	13,734.02	(181,077.98)	3,279.54	759,633.13	(756,353.59)	2,750,992.54
Capacity Payment	388.96	(400.02)	54,936.08	56,136.14	(1,200.06)	172,685.26
Forfeited Discounts-Late Charges		388.96	746.39		746.39	
Total Operating Revenues	712,893.46	(444,928.31)	3,347,834.07	4,859,478.09	(1,511,644.02)	13,573,144.85
Operation and Maintenance Expenses						
Steam Power Generation						
Labor	141,127.71	11,962.72	453,968.39	516,659.96	(62,691.57)	1,553,979.85
Coal	254,226.11	(211,171.89)	1,149,101.32	1,858,026.00	(708,924.68)	6,104,100.00
Ash Disposal	7,579.36	(7,136.64)	33,625.71	58,750.00	(25,124.29)	166,056.00
Other Fuel Expenses	2,640.26	(2,669.74)	11,901.43	21,240.00	(9,338.57)	63,720.00
Steam Expenses	419.28	(39,680.72)	3,440.08	44,600.00	(41,159.92)	97,600.00
City Water and Sewer	16,364.36	(7,496.69)	70,283.53	99,287.95	(29,004.42)	258,173.40
Electric Expenses	261.50	(488.50)	1,423.88	3,000.00	(1,576.12)	12,100.00
Miscellaneous Steam Power Expenses	4,020.03	(1,495.12)	13,762.58	19,390.01	(5,627.43)	69,943.40
Auxiliary Power	65,709.34	(24,242.59)	269,202.96	368,839.00	(99,636.04)	1,068,598.04
Maintenance of Structures	70.89	(762.44)	228.04	3,333.32	(3,105.28)	10,000.00
Maintenance of Boiler Plant	6,890.55	(128,189.45)	43,258.95	155,320.00	(112,061.05)	320,960.00
Maintenance of Electric Plant	289.00	(14,711.00)	2,696.45	19,500.00	(16,803.55)	50,000.00
Maintenance of Miscellaneous Steam Plant	842.26	(9,157.74)	1,446.40	13,600.00	(12,153.60)	36,800.00
Total Steam Power Generation	500,440.65	(435,239.80)	2,054,339.72	3,181,546.24	(1,127,206.52)	9,812,030.69
Distribution Expenses						
Chemical Expense	5,795.14	(11,685.40)	26,187.73	51,775.36	(25,587.63)	145,000.00
Steam Line Expense	878.00	(1,250.00)	483.15	3,125.00	(2,641.85)	10,000.00
Customer Installation	490.40	578.00	2,698.60	1,700.00	998.60	10,000.00
Maintenance of Mains		(9.60)	4,525.49	2,000.00	2,525.49	25,000.00
Maintenance of Services		(400.00)	400.00	1,600.00	(1,600.00)	4,800.00
Maintenance of Meters		(200.00)		800.00	(800.00)	2,400.00
Total Distribution Expenses	7,163.54	(12,967.00)	33,894.97	61,000.36	(27,105.39)	197,200.00
Administrative and General Expenses						
Administrative and General Salaries	5,598.38	2,480.52	15,244.27	12,471.44	2,772.83	37,414.37
Office Supplies and Expenses	34.17	(290.83)	232.66	1,300.00	(1,067.34)	6,235.00
Outside Services Employed	78,345.12	73,323.12	431,308.87	19,054.00	412,254.87	51,363.00
Property Insurance	4,071.61	(594.20)	16,525.09	18,663.24	(2,138.15)	55,989.75
Injuries and Damages	3,568.41	(217.01)	12,300.48	15,141.68	(2,841.20)	45,425.07
Employee Pensions and Benefits	31,309.37	(5,260.54)	138,886.86	163,741.52	(24,854.66)	445,352.38
Miscellaneous General Expenses	49.84	(1,929.03)	1,529.77	7,172.48	(5,642.71)	17,533.69
Vehicle Clearing	74.23	74.23	307.54		307.54	
Power Operated Clearing	748.80	748.80	3,051.76	200.00	3,051.76	600.00
Rents	50.00		200.00			
Maintenance of General Plant			60.00		60.00	
Total Administrative and General Expenses	123,849.93	68,335.06	619,647.30	237,744.36	381,902.94	659,913.26
Total Operation and Maintenance Expenses	631,454.12	(379,871.74)	2,707,881.99	3,480,290.96	(772,408.97)	10,669,143.95

Menasha Utilities
Steam Detail
For the Four Months Ending April 30, 2009

	Current Month		Actual	Year-to-Date		Annual Budget
	Actual	Budget		Variance	Budget	
Other Operating Expenses						
GE Water Treatment Lease Expense	\$29,166.03	\$29,166.03	\$116,664.12	\$116,664.12	\$349,992.36	
Taxes	10,859.35	9,863.57	33,841.67	39,454.28	118,362.78	
Total Other Operating Expenses	40,025.38	39,029.60	150,505.79	156,118.40	468,355.14	
Total Operating Expenses	671,479.50	1,050,355.46	2,858,387.78	3,636,409.36	11,137,499.09	
Net Operating Income (Loss)	41,413.96	107,466.31	489,446.29	1,223,068.73	2,435,645.76	
Other Income						
Interest and Dividend Income	6,852.88	8,114.00	30,048.36	33,182.00	88,091.00	
Total Other Income	6,852.88	8,114.00	30,048.36	33,182.00	88,091.00	
Income Before Interest Charges	48,266.84	115,580.31	519,494.65	1,256,250.73	2,523,736.76	
Interest Charges						
Interest on Long-Term Debt	100,615.67	100,658.32	402,462.68	402,633.28	1,428,242.36	
Interest on Debt to Municipality	76,598.33	78,436.83	306,393.32	313,747.32	941,241.96	
Other Interest Expense	1,324.85	2,400.00	5,797.19	9,500.00	13,000.00	
Total Interest Charges	178,538.85	181,495.15	714,653.19	725,880.60	2,382,484.32	
Net Income (Loss)	(130,272.01)	(65,914.84)	(195,158.54)	530,370.13	141,252.44	

STEAM DISTRIBUTION FOR APRIL 2009

	Monthly Total	Budget	YTD	YTD Budget
Total Steam purchased				
Sonoco	56,426	65,959	257,479	275,964
Alcan	3,059	3,199	15,501	16,121
Whiting	2,906	3,799	15,068	17,163
Steam Total	62,391	72,957	288,048	309,248
Total Generation kwh	On-Peak	Off-Peak	Monthly Total	YTD
MISO Market	0	0	0	0
Unit #3	0	0	0	0
Unit #4	0	0	0	0
Real-Time - MISO	0	0	0	0
Average MISO Price	29.62	14.03	23.13	29.27
Day-Ahead - MISO	0	0	0	0
Average MISO Price	29.92	17.60	24.79	0.00
Total MISO Market	0	0	0	0
Behind the Meter	566,246	744,028	1,310,274	8,945,000
Unit #5	566,246	744,028	6,319,309	8,945,000
Average Price	0	0	66.05	64.06
MW Total	566,246	744,028	1,310,274	23,281,000





May 28, 2009

RE: Storm Water Runoff Charge

Dear Five Oaks Resident,

We have received your letter concerning the amount of storm water charges the mobile home park owner has assigned to you as a resident in Five Oaks Mobile Home Park. The purpose of this letter is to explain the basis for the charge to the mobile home park owner and to inform you of the intent to forward this issue to the Common Council for its consideration at a meeting later in June or July.

The City of Menasha adopted Ordinance O-19-08 relating to the creation of a storm water utility in October, 2008 with an effective utility start date of January 1, 2009. This ordinance allows the City to equitably fund the cost of constructing, operating and maintaining our storm water system to meet the regulations for storm water discharge established by the Environmental Protection Agency. Attached to this letter is a copy of the ordinance.

Sections 9-4-7, 9-4-8 and 9-4-9 refer to the basis of charge for the various classifications of customer within the City. Section 9-4-9(3) establishes how the storm water runoff charge shall be determined for manufactured housing communities and this is the basis for the charge to the owner of Five Oaks Mobile Home Park. The basis for charge considers the amount of impervious area (roofs, driveways, patios, walks, private streets, gravel surfaces, etc.) relative to the average amount of impervious area for a single family residence, which is considered an Equivalent Runoff Unit (ERU). Based on that formula, there are 432 ERUs in the mobile home park and the total charge for Five Oaks Mobile Home Park for 2009 is \$28,080. According to our records, there are 298 lots in the mobile home park.

The letters we have received are requesting that the residents of Five Oaks be treated as a single family homeowner relative to the storm water charge. A single family residence is assessed a charge equal to the fee for one ERU, or \$65 for 2009. In order for manufactured housing community residents to be considered as a single family residence, the existing ordinance language needs to be amended. It is expected this issue will be considered by the Common Council at an upcoming meeting in June or July.

Sincerely,

Donald Merkes
Mayor

Mark Radtke
Director of Public Works

Greg Keil
Community Development Director

Enclosure
C: Menasha Common Council

M:\word\5 Oaks letter re storm water charges 5-28-09.doc

Mayor Merkes
Rec'd 5/19/2009



Five Oaks Park, LLC.
1830 E. Edgewood Dr.
Appleton, WI 54913
(920)735-1221

May 7, 2009

Dear Residents:

You will find a charge of \$15.15 on your June billing for the month of June. This extra charge of \$15.15 will be on each monthly statement until the end of the year. The City of Menasha has implemented a STORM WATER CHARGE retroactive to January 1, 2009. The City officials charged every homeowner in the City of Menasha a flat \$65 storm water charge per year regardless of the size of their home with the exception of the residents of Five Oaks Park who will be charged \$110 per year. Why the higher rate to Five Oaks was my question to the mayor, Donald Merkes, public works director, Mark Radtke and planner, Greg Keil. At a meeting at city hall on Tuesday, May 5th, everyone talked in circles for a while like all good politicians do – they said you have private streets so we charged you more. You are a commercial development so we charged you more. “Read between the lines” they did it because they could.

My answer to them was, Five Oaks Park is a land leased community, the single family home owners are residents and taxpayers of the City of Menasha. I do not pay the property tax to the City, your constituents, your residents the home owners in Five Oaks Park do. The residents pay a monthly personal property tax on their home and indirectly pay the property tax assessed on Five Oaks Park by the City through their monthly lot rent. To clarify to all, you pay the tax on your home, Five Oaks Park pays the tax on your lot, common areas, parks and improvements. Five Oaks Park property taxes are incorporated in your monthly lease payment.

My question again was why do residents of the City of Menasha pay approximately \$65 a year who live on public streets and those in Five Oaks Park on private streets pay \$110? More talking in circles was done with that question also. That is our formula and we would have to change the ordinance was their answer. I left that meeting frustrated. But before I left the meeting I asked the City officials present, the mayor, director of public works and the city planner to please change their ordinance so that all homeowners in the City of Menasha are taxed equally and fairly for services rendered. Why should the residents of Five Oaks Park pay approximately \$10,900 more a year in storm water assessment because they live on a private street. I also informed them that the 255 home owners and the voting age people living in those houses could severely influence Menasha politics if they voted as a block of votes. **In politics the squeaky wheel gets the grease.** If you write or call, they will listen. We do need to TV stations or newspapers to do it for us. **PLEASE CALL OR WRITE THE FOLLOWING PEOPLE AND DO IT TODAY! AND ATTEND THE CITY COUNCIL MEETING ON MAY 18TH AT 6:00 p.m. LET THE CITY KNOW HOW YOU FEEL ABOUT THESE CHARGES.**

Mayor Donald Merkes
140 Main St.
Menasha, WI 54952
dmerkes@ci.menasha.wi.us

967-3600

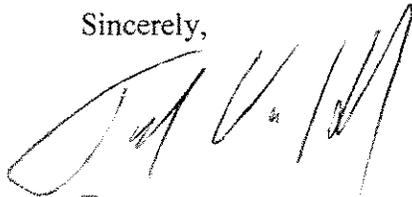
Public Works Director, Mark Radtke 967-3610
140 Main St.
Menasha, WI 54952
mradtke@ci.menasha.wi.us

Community Development Director, Greg Keil 967-3650
140 Main St.
Menasha, WI 54952
gkeil@ci.menasha.wi.us

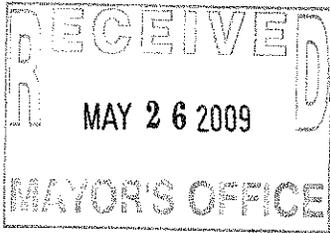
Alderman District 8, Kevin Benner 997-1505
1190 Fieldview Dr.
Menasha, WI 54952
kbenner@ci.menasha.wi.us

We cannot change Washington, they are spending our grandkids money like drunken sailors. We can however demand accountability today in our local city and state government. Lake Park, and the steam plant were all poorly planned, over taxing you should not be another poor decision.

Sincerely,



Tom



5/21/09

MAYOR DON MERKES,

Regarding the storm sewer water charge being assessed the homeowners of Menasha, why are the residents of Five Lakes Park being charged over 69% (#110. vs #65.) more than the other homeowners in the city?

We've been told "that is our formula and we would have to change the ordinance".

We would appreciate an answer that justifies the additional surcharge that's being assessed the residents of Five Lakes Park.

We look forward to your reply.

Sincerely,

Wallace + Kay Vetter	- 248	MISTY MEADOWS LN
Juan + Bonnie Goy	- 249	" " "
Warren + Barb Letz	247	MISTY MEADOWS LA.
Sharon R Pausig	281	Misty Meadows Lane
Roy + Carolyn Dunkel	282	Misty Meadows Ln.
North Helen	198	Royal Oak Ln Ct

5-20-09

Mayor Donald Mertes —

This is totally unfair —

"The Storm Water Charge"

Why do residents living on private streets have to pay more than the ones on public streets.

We pay the same utilities and taxes like everyone else and yet because of some clause and/or ordinance they (the city) see fit to charge us more.

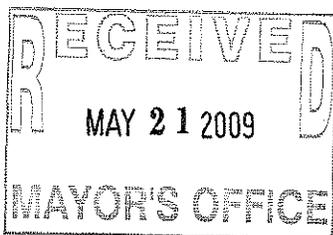
That is total discrimination —
Government politics in our city also.

Sincerely

Adeline Kramer

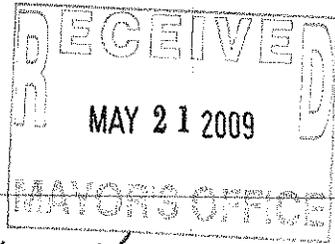


Mrs. Adeline Kramer
140 Bessie Ohalloran Ln.
Menasha, WI 54952



M.I. Hummel figurine Birthday Candle (HUM 440)

5-20-09



Dear Sir:

I am very upset about the charge of \$110 per year for storm water. It is not fair that the residents living in the city of Menasha pay only \$65 while we here in Five Oaks park pay more. The reason we are living in a mobile home park is because we cannot afford living in a more expensive home. Please reconsider and equalize this charge.

Thankyou

Florence Krenke



Mrs. Florence Krenke
270 Misty Meadows Ln
Menasha, WI 54952-2675

RECEIVED
MAY 26 2009
MAYOR'S OFFICE

5-20-09

TO MAYOR. DONALD MERKES

THIS STORM WATER CHARGE IMPLEMENTED BY THE CITY OF MENASHA AND RESIDENTS OF FIVE OAKS PARK IS NOT FAIR AND IS ALSO DISCRIMINATING.

PEOPLE LIVING IN THE CITY ARE CHARGED A FLAT FEE OF 25.00 WHILE THE RESIDENTS LIVING IN FIVE OAKS PARK ARE CHARGED 110.00 PER MONTH YEAR.

THIS ORDINANCE SHOULD BE CHANGED SO EVERYONE IS CHARGE THE SAME ACROSS THE BOARD OR IT SHOULD BE DROPPED ALL TOGETHER. THERE IS NO REASONS TO HAVE DOUBLE STANDARDS ON THIS MATTER.

THE PEOPLE IN FIVE OAKS PARK PAY PROPERTY TAXES JUST LIKE THE PEOPLE LIVING IN THE CITY OF MENASHA. THIS WHOLE MATTER IS JUST UNFAIR.

WE WILL BE CONTACTING THE 3 TV STATIONS AND THE RADIO STATIONS ABOUT THIS MATTER.

THANK YOU

RICHARD & JUDY SAUNDERS

Jean Debrau

~~John~~

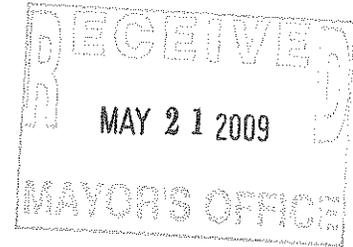
~~Jim~~
Chris & Don Alley

Walter F. Schopf

Debby Derkes

Donna Faesch

Karen Milligan, M. Ed.
227 Dakota Grove
Menasha WI 54952



May 19, 2009

Mayor Donald Merkes
140 Main St.
Menasha WI 54952

Dear Mayor Merkes,

As a resident of the Five Oaks Park, I am incensed that we would be charged \$110 a year while the residents of the City/Town of Menasha are only charged \$65 per year for the Storm Water Charge. I AM NOT a "commercial development"! I am a individual citizen who pays property tax on my home here in Five Oaks Park, notwithstanding that Tom Van Handel pays the correct amount of property tax. If I live on a private street, then why does the city of Menasha pick up my garbage? Why do I pay *WE* Energies for electricity? You and the folks in city hall there must not understand the land-lease idea.

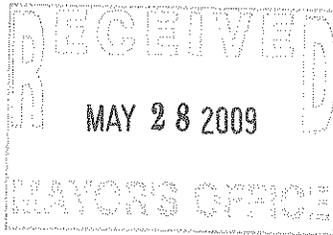
I voted for you in the last election. I can promise you with no uncertainty that I WILL NOT vote for you in the next election if you, Mark Radtke, Greg Keil and Kevin Benner do not find a way to change this inequitable charge. I can promise you that I will campaign against each of you. The residents here can become a large voting block and you each will find yourselves out of office.

My husband and I are not unwilling to pay what the residents of the City and Town of Menasha pay, but are not willing to be over-charged just because you folks there are able to spend tax-payer's money in a spate of circumlocution in giving a decent answer to Tom Van Handel.

I am anticipating that this will be resolved and that we will not be over-charged. We never had opportunity to vote on this. This is not fair. This is not right!

Sincerely,

Karen Milligan
(Mrs.) Karen Milligan



20 May 2009
Bob & Betty MENCHACA
#6 Dakota Grove
Menasha, WI

City of Menasha Officials
and Aldermen Dist. 8.

Sirs;

I am a resident of 5 Oaks Park. I was informed of a 'NEW' \$110.00 City of Menasha "Storm Water Charge" I understand and accept a general levy all citizens. I don't understand or accept an additional fee for the 5 Oaks residents.

My wife and I are retired and living on a limited income. We lowered our standard of living to minimize our housing costs. Now we learn the City of Menasha seems to consider our small community an exclusive resort!!

Our little community of 5 Oaks is an asset to the city. I would guess our burden of services from the city is minimal when compared to other congested communities.

Suppose 5 Oaks were deeded over to the City of Menasha! I can far see additional Police patrol requirements + disturbance calls, probably crime would increase, street maintenance, snow, ice removal, code violations, etc. etc, etc.

In my simple opinion the City is getting a bargain from 5 Oaks and should charge the residents outside 5 Oaks the additional fee!

Bob, Betty Menchaca

Don Merkes

From: Shawn Murphy [srm314@hotmail.com]
Sent: Tuesday, May 19, 2009 9:11 PM
To: Don Merkes; Mark Radtke; Greg M. Keil; Kevin Benner
Subject: Recent storm water charge

Gentlemen,

I am a resident of Five Oaks Park in Menasha. I am outraged at the \$110 I am being charged per year for the storm water charge while the rest of the residents of the city of Menasha are being charged \$65.

First I do not understand why you would consider the park to be commercial land. If it is commercial, why are residents of the city of Menasha living there? I was under the impression that commercial meant business and residential meant residents. I do not operate a business from my residence, nor do any of my neighbors. Therefore, I should not have to pay the \$110 that commercial zones pay.

Second, I pay my taxes like every other citizen of Menasha. I do not pay them to you, I pay them to Mr. Van Handel in exchange for letting me live on his property. I still pay though. There is nothing "special" about my neighborhood that would justify charging me \$50 more per year than the person who lives right outside the gates of this park. Mr. Van Handel has done the city of Menasha a favor by developing this trailer park. You have an additional 255 more home owners because he developed this park. He provides snow removal service for these homes. He makes sure the properties are clean and kept up. These are tasks that would normally be done by the city, but since it is Mr. Van Handel's property, he takes care of it while the city benefits from having these residents. I only see city workers in this park on Thursdays during garbage collection.

In addition, I don't even have storm drains! I have a drainage ditch in my backyard that the city doesn't have to maintain. My storm water is not clogging your drainage systems because you don't have drainage systems in here. I'm sure somewhere along the line the waste from my small home indirectly enters the system, but not enough to justify the extra charge.

Our individual lots are smaller than most lots in the city of Menasha. Our lots and homes do not produce any more storm water than any other property in the city. I received a letter from the city a few months back explaining that I would be seeing a \$65 storm water charge from the city. Now I am told I need to pay \$110. The city needs to stand by what it told it's residents, including the residents that live in the Five Oaks Community. I will be following up on this matter by personally calling each of you to discuss this issue. In addition, I will be calling Mr. Van Handel's office to see what else I can do to help them rectify this matter and make this ordinance fair for all of the city's residents.

Sincerely,

Shawn Murphy
199 Dutch Hollow
Menasha, WI
(920)427-3020

 **EMAILING FOR THE GREATER GOOD**
[Join me](#)

Don Merkes

From: Mary Ann Mulvey [hazeleyez1950@yahoo.com]

Sent: Wednesday, May 20, 2009 9:36 AM

To: Don Merkes

Subject: Fw: Letter to Five Oaks Residents

Sorry Don, I got the letter yesterday 5/19/2009(Tuesday. not Saturday.)

--- On **Wed, 5/20/09**, **Mary Ann Mulvey** <hazeleyez1950@yahoo.com> wrote:

From: Mary Ann Mulvey <hazeleyez1950@yahoo.com>

Subject: Letter to Five Oaks Residents

To: dmerkes@ci.menasha.wi.us

Cc: hazeleyez1950@yahoo.com

Date: Wednesday, May 20, 2009, 7:17 AM

Mr. Mayor:

On Saturday I received a letter from Tom Van Handle (Five Oaks Park LLC). The letter was in reference to our Storm Water Charge for Five Oaks Park. According to the letter from Mr. Van Handle every homeowner in the City of Menasha will pay a flat \$65.00, and the residents of Five Oaks will pay \$110.00. This is totally out of line. The City of Menasha does not plow our streets or anything else. The City picks up our garbage. Can you tell me the ordinance number please. Just because this is a private park and road should not give you the right to charge us more.

Can you please tell me what other Commercial Development in the City of Menasha will be paying more? If you want a copy of the letter please let me know. Some of the letter is not positive toward you.

Respectfully Submitted

Mary Ann Mulvey

274 Misty Meadow Ln.

Menasha, WI. 54952

920-7223890

 Reply  Reply to all  Forward    Close  Help

From: Mary Ann Mulvey [hazeleyez1950@yahoo.com]

Sent: Tue 5/19/2009 7:10 PM

To: Kevin Benner

Cc: Eric Hendricks

Subject: Storm Water fee

Attachments:

[View As Web Page](#)

Kevin:

In the mail today I received a letter from Tom Van Handle, owner of Five Oaks Park LLC. It was dated May 7Th, 2009, but I got it on May 19, 2009.

Dear Residents:

You will find a charge of \$15.15 on your June billing for the month of June. This extra charge will be on each monthly statement until the end of the year. The City of Menasha has implemented a STORM WATER CHARGE retroactive to January 1, 2009. The City officials charge every homeowner in the City of Menasha a flat \$65.00 storm water charge per year regardless of the size of their home with the exception of the residents of Five Oaks Park who will be charged \$110.00 per year. Why the higher rate to Five Oaks was my question to the mayor Donal Merkes, public works director Mark Radtke and planner, Greg Keil, at a meeting at city hall on Tuesday May 5Th. Everyone talked in circles for a while like all good politicians do..they said you have private streets so we charged you more. You are a commercial development so we charged you more. "Read between the lines" they did it because they could.

I have the original letter here if you would like a copy. I tried to call you this evening but nobody was home. Do you know the ordinance number for this. I guess they told Mr. Van Handle that the ordinance would have to be changed to do anything about this charge. I do not feel that we should have to pay \$110.00 and everyone else pays \$65.00. There were some other unfavorable things in the letter also. I just gave you a few lines...LOL.

Respectfully Submitted
Mary Ann Mulvey
274 Misty Meadow Ln.
Menasha, WI. 54952
920-722-3890

 Reply  Reply to all  Forward   X  Close  Help

From: Joanne Roush [jroush714@att.net]

Sent: Thu 5/21/2009 7:02 AM

To: Mary Ann Mulvey

Cc: Kevin Bemmer, Eric Hendricks

Subject: Re: Storm Water fee

Attachments:

[View As Web Page](#)

Mary Ann - this is very interesting. But I have to say that as unpleasant as it is for residents of Five Oaks, I do see the city's point here. All of the property is private, so the total storm water fee is calculated based on the total run-off, including from the streets. If Five Oaks is not charged for its streets, then every business will be seeking an exemption for runoff from their paved paths, driveways, and even parking lots. Now it is clear that Tom Van Handle has recalculated the fee to divide it between all the residents. What I'd ask him is to show you how he has calculated each resident's fair share of this fee. What, for example, happens when there is a vacant property? Are you all paying for those as well? Is he adding a mark-up for passing the fee through to you? Since it is nearly double, I would be very interested, were I a resident, in understanding how the storm water fee is divvied up among Five Oaks dwellers. Clearly it is Tom Van Handel who is doing this, since it's being added onto your bill from the park, not your Menasha Utilities bill, right?

Joanne

On May 20, 2009, at 9:33 AM, Mary Ann Mulvey wrote:

-- On Tue, 5/19/09, Mary Ann Mulvey <hazeleyez1950@yahoo.com> wrote:

From: Mary Ann Mulvey <hazeleyez1950@yahoo.com>

Subject: Storm Water fee

To: kbenner@ci.menasha.wi.us

Cc: ehendricks@ci.menasha.wi.us

Date: Tuesday, May 19, 2009, 5:10 PM

Kevin:

In the mail today I received a letter from Tom Van Handle, owner of Five Oaks Park LLC. It was dated May 7Th, 2009, but I got it on May 19, 2009.

Dear Residents:

You will find a charge of \$15.15 on your June billing for the month of June. This extra charge will be on each monthly statement until the end of the year. The City of Menasha

has implemented a **STORM WATER CHARGE** retroactive to January 1, 2009. The City officials charge every homeowner in the City of Menasha a flat \$65.00 storm water charge per year regardless of the size of their home with the exception of the residents of Five Oaks Park who will be charged \$110.00 per year. Why the higher rate to Five Oaks was my question to the mayor Donal Merkes, public works director Mark Radtke and planner, Greg Keil, at a meeting at city hall on Tuesday May 5Th. Everyone talked in circles for a while like all good politicians do..they said you have private streets so we charged you more. You are a commercial development so we charged you more. "Read between the lines" they did it because they could.

I have the original letter here if you would like a copy. I tried to call you this evening but nobody was home. Do you know the ordinance number for this. I guess they told Mr. Van Handle that the ordinance would have to be changed to do anything about this charge. I do not feel that we should have to pay \$110.00 and everyone else pays \$65.00. There were some other unfavorable things in the letter also. I just gave you a few lines...LOL.

Respectfully Submitted
Mary Ann Mulvey
274 Misty Meadow Ln.
Menasha, WI. 54952
920-722-3890

May 19, 2009

Dear Alderman Benner:

I don't mind paying for my share of the Storm Water Charge, but when I am singled out that is not sharing equally.

Please consider representing our district fairly.

I am a resident of 5 Oaks Mobile Home Park and a registered voter.

Sincerely in justice

Robert Kramer



Mr Robert A Kramer
140 Bessie Ohalloran Ln
Menasha WI 54952-2669

To whom it may concern:

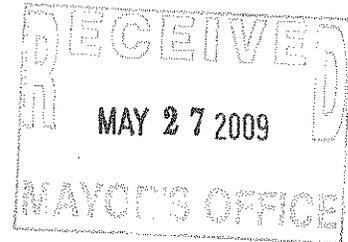
How come we are being charged for something we don't even have? Our storm water goes into the wet lands.

And why are we charged more than the city of Menasha. They are only charged \$65.00 and our charge is \$110.00. Our homes are not of the value of the city homes. And we the home owner pay our taxes every month. Or are you discriminating against us?

I live on fixed income and this extra \$15.15 has to come out of my check. Which we were informed we are not going to get a raise for 2 years.

Balance your budget like we have to do with ours.

Donna Foesch
Five Oaks Park



cc.

Mayor Donald Merkes
Public Works Director, Mark Radtke
Community Development Director, Greg Keil
Alderman District 8, Kevin Benner
Five Oaks Park, Tom Van Handel

Richard & Judy Paunbes

Jan P. [unclear]
Walter F. [unclear]
Jean Delrow



Dear Menasha Resident:

The City of Menasha recently established a stormwater utility to provide an equitable means of funding the state and federally mandated clean-up of urban stormwater runoff. The goal of the regulation is to reduce the amount of pollution reaching our waterways from urban streets, roof tops, parking lots and other hard surfaces, thereby improving water quality of lakes and streams in urban areas.

Prior to creating the stormwater utility, Menasha's Common Council considered funding the mandated stormwater clean-up by placing the added cost on the property tax. This option was rejected because it

*Last week
when I walked
the park there
were only single
family homes
here.*

...e, rather than on the amount of runoff generated by a property. ... runoff generated on a property, the stormwater utility ensures that amount of runoff their property creates. Other area communities as 1995 and have fees above \$100, Menasha has made efforts to ... and keep the fees as low as possible.

Equivalent Runoff Unit (ERU), which is the average amount of ... ty. Single family homes will be billed for one ERU, while ... titutional, and multi family properties will be billed based on the ... r property. The charge per ERU will be \$65 for 2009, and will be ... ng in April.

... dwellings, which have attributes that mitigate stormwater discharge ... e eligible for certain credits or adjustments. Applications for credits ... City of Menasha Public Works Department. Contact Mark Radtke at

Although the City of Menasha has no choice but to comply with these new stormwater mandates, we will strive to minimize costs by applying cost-effective control technologies and encouraging development techniques that reduce that reduce stormwater impacts.

The water resources of Lake Winnebago, the Fox River, and Little Lake Butte des Morts are among Menasha's greatest assets. The operation of the stormwater utility will assist in the city's goal of improving the quality of our water resources so that the quality of life and water recreation Menasha residents have enjoyed in the past will continue to be possible in years to come.

Sincerely,

Donald Merkes

Reply Reply to all Forward X Close Help

From: Bruce Kober [brucekober@yahoo.com]

Sent: Wed 5/20/2009 3:45 PM

To: Don Merkes; Mark Radtke; Greg M. Keil; Kevin Benner

Cc:

Subject: Five Oaks

Attachments:

[View As Web Page](#)

City of Menasha,

I have been informed that we who live in Five Oaks Park have to pay \$110 for storm water charge, but people who live in houses only have to pay \$65. I was also told that people who live in condos and apartment are being charged the same as we are. I want to know if it is true for a fact that everyone who lives in a condo or apartment has to pay \$110 like we do. I want to see proof that every person who lives in a condo or apartment is being charger \$110 as we are.

I am a registered voter and I guarantee all of you I will vote you out of office.

Bruce Kober

Don Merkes

From: brucekober@yahoo.com
Sent: Tuesday, May 19, 2009 6:54 PM
To: Don Merkes; Mark Radtke; Greg M. Keil; Kevin Benner
Subject: Storm water charge

Attention city government

My name is Bruce Kober. I live in Five Oaks Park. I am a tax payer and a registered voter. I was just informed my storm water charge is \$110 a year when people who own houses only pay \$65. This is absolutely ridiculous and outrageous. People who live in houses use at least as much water and sewer as we do. How can it possibly make sense for people like me who live mobile homes to pay twice as much. This is simply unfair and I want to know how you can possibly justify doing this to us. I absolutely guaranty you all I will remember this in the next election and vote against all of you.

Don Merkes

From: cya62@aol.com
Sent: Tuesday, May 19, 2009 3:54 PM
To: Don Merkes
Subject: your new unfair tax,storm water charge

Dear Mr. Mayor,

I am a resident of Five Oaks Park in Menasha. I am a resident of the city of Menasha and ,as such, I would like to know why you think it is fair to charge us almost double what you charge the rest of the city. You are my elected public official and I did not vote in the city election that put you in office,but I would like you to know that I will make it a point to vote against you in the next one. If you do not reconsider this unfair tax,you may count me as a sure vote against you in the next election.Thank you.

Sincerely,
Christopher L. Yansky

A strong credit score is 700 or above. [See Yours in Just 2 Easy Steps!](#)

Don Merkes

From: kayschorus@netzero.net
Sent: Wednesday, May 20, 2009 10:24 AM
To: Don Merkes
Cc: Mark Radtke; Greg M. Keil; kbrenner@ci.menasha.wi.us
Subject: storm water charge

----- Forwarded Message -----

From: kayschorus@netzero.net
To: dmerkes @ci.menasha.wi.us
Cc: mradtke @ci.menasha.wi.us,gkeil@ci.menasha.wi.us,kbenner@ci.menasha.wi.us
Date: Wed, 20 May 2009 15:16:10 GMT

Sirs: I find it absolutely appalling that you can so flagrantly disregard the fact that those of us who own Mobile Homes in 5 Oaks Park pay our own personal property taxes and do not own the Park which is indeed a commercial entity ,but WE ARE NOT!!!! Unfortunately the letter making us aware of what was going on did not reach us until the day after the City Council Meeting or I'm assuring you there would have been many irate tax payers & yes ,voters in attendance.Remember, your jobs are dependent upon the discretion of the electorate which can either keep you in your position or oust you at the ballot box.

I plan to not stop at the local level to see that this unfair taxation is not allowed to continue.If as you say,you need to change the ordinance,then do it ASAP.

In doing the math,\$28,050.00 versus \$16,575.00 HMMM! let's get the most we can out of them.We are not stupid. A very irate taxpayer,and voter. Kay E. Lamberg

[Get your dream car or truck. Click here.](#)

Don Merkes

From: Veronica Purdy [vmariar3940@yahoo.com]

Sent: Thursday, May 21, 2009 3:26 PM

To: Don Merkes

Cc: Mark Radtke; Greg M. Keil; Kevin Benner

Subject: Storm Water Charge

UNFAIR, UNJUSTIFIED, UNREASONABLE, and IRRATIONAL!!! The ordinance to charge the Five Oaks Park residences almost double the Storm water charge makes no sense!!

This Park is one of the best things the City of Menasha has and, it earns a great deal of revenue for the city of Menasha. It is well kept up. The people in this park pride ourselves in living here. We make our yards look great; planting flowers, and shrubs; which by the way, each home owner invests in the Parks land by improving the looks of their own yards, (as you know we rent the land). YOU, the City of Menasha claims us as part of the city. We pay our home owners taxes just like home owners outside of the Park and, Five Oaks Park pay the taxes on the land. That sounds to me that we should be equal in this storm water charge.

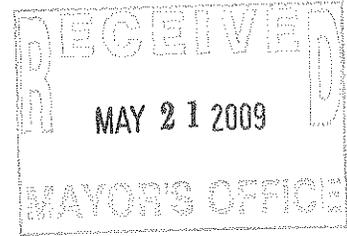
SO TELL ME! Why must we pay almost double for the Storm Water? Wouldn't it be fairer to assess this charge according to the size and value of each property owner? Most of the homes here fail in comparison to the overall assessment value of the homes in Menasha outside of the Park. So WHY would we be assessed higher? Mayor Merkes, Dir. Radtke, and Dir. Keil, think about it! Are we really part of the City of Menasha or not?

Alderman Benner: Are you working for us as our representative? Please do something about this assessment of the storm water. We need your help and support to change this ordinance. You are important to us as our representative.

Sincerely,

Veronica Purdy
145 Bessie O'Halloran's Ln.
Menasha, WI 54952

**DONALD JOHNSON
254 MISTY MEADOWS LANE
MENASHA, WISCONSIN
54952**

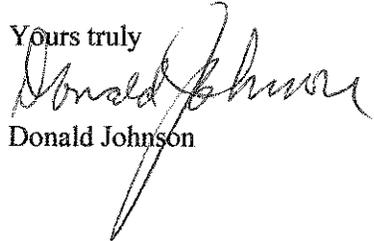


Mayor Merkes

I am writing about the assessment for storm water. You have charged an extra 45.00 a year to those of us living in the 5 oaks park. This is grossly unfair as we have smaller lots than many of those living elsewhere in Menasha. Our streets are plowed of snow by the park so you are not doing that for us for our tax money. Whereas those outside of the park you must remove snow for them. A considerable expense I am sure.

While we have less runoff per lot (since they are smaller than those in the rest of the city) there does not seem to me to be reason for this over charge to us. Please have it rescinded.

Yours truly


Donald Johnson

Don Merkes

From: Terri Goudy [howdygoudy@yahoo.com]

Sent: Friday, May 22, 2009 10:24 AM

To: Don Merkes

Subject: Storm water charge

Dear Mr. Mayor Would someone please explain why we have the pleasure of paying double for the storm water runoff????????? Please take care of this injustice for all of us who live in five oaks. It is the right thing to do.

Don Merkes

From: Kristin Sewall

Sent: Thursday, May 21, 2009 9:53 AM

To: Don Merkes

Subject: Phone message

Ron Budweiser – 5 oaks park- stormwater utility charge. Pls. call 886-0426
THANKS!

290 MISTY MEADOWS

→ CALLED
5/21/09

→ MAIL RESPONSE

Don Merkes

From: Don Merkes [dmerkes@sbcglobal.net]
Sent: Wednesday, May 20, 2009 6:19 PM
To: Don Merkes
Subject: Fw: 5 oaks phone message

--- On **Wed, 5/20/09**, Kristin Sewall <ksewall@ci.menasha.wi.us> wrote:

From: Kristin Sewall <ksewall@ci.menasha.wi.us>
Subject: 5 oaks phone message
To: dmerkes@sbcglobal.net
Date: Wednesday, May 20, 2009, 11:47 AM

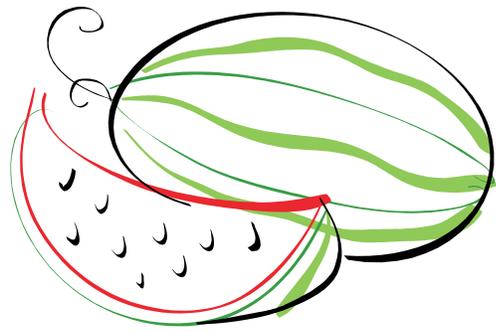
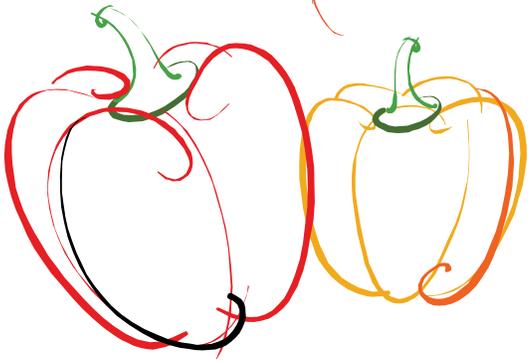
Sorry..forgot to pass this on this morning:

Carl Peters (920-378-5905) lives in 5 oaks and feels that this higher stormwater charge is discrimination. He was irate. He would like you to call him and tell him why 5 oaks is being charged more than other residents.

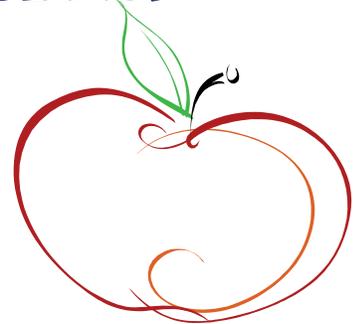
LEFT MESSAGE 5/20 6PM
ATTEMPTED AGAIN 5/21 4PM N/A

Menasha's

Farm Fresh Market



**DOWNTOWN MENASHA
THURSDAYS 2:30–6:30 PM
JUNE 11 – OCTOBER 29**



- PROPOSED MINUTES -

WAVERLY SANITARY DISTRICT

April 14, 2009

District Office - N8722 County Rd. LP

The meeting was called to order at 8:30 a.m. by Commissioner Helein.

Present: Commissioner Helein (WCH)	System Operator Krueger (RWK)
Commissioner Fulcer (LJF)	System Operator VanZeeland (TGV)
Commissioner Sambs (MLS)	System Operator Dornfeld (DWD)
Engineer Martenson (SCM)	Admin. Asst. Hallock (SAH)
Resident Jerry Lopas	Tracy Fluke – TOH Administrator

Approval/acceptance of the 3/10/09 Meeting Minutes was accomplished through LJF's motion and MLS' second. Motion carried 3-0.

Receipt acknowledgement and approval of the March 2009 Financial and Budget Comparison Reports was accomplished through MLS' motion and LJF's second. Motion carried 3-0.

Receipt acknowledgement and approval of the 2008 Public Service Commission Report was accomplished through LJF's motion and MLS' second. Motion carried 3-0.

Receipt acknowledgement and approval of the 2008 Financial Audit was accomplished through MLS' motion and LJF's second. Motion carried 3-0.

Invoices were approved for payment and checks were signed prior to the meeting.

COMMUNITIES/CUSTOMERS/SERVICE CONCERNS

Clear Water Inspection Procedure – Completion prior to property ownership transfers in addition to meter change out period – every ten (10) years

RWK reported RWK, Darboy representatives Pat and Josh, and TOH Administrator Tracy Fluke met 4/13/09 to discuss the Clear Water Inspection procedure and time requirements. Fluke provided a copy of the four-part Clear Water Inspection Form Prior to Transfer of Ownership currently utilized by Darboy. TOH shares the cost of the form with Darboy/Buchanan and will do the same with WSD. Fluke suggested WSD contact JP Graphics, Darboy's form provider, because Darboy's form would require only slight alteration to be utilized by WSD, for a possible cost savings to WSD. Darboy has been performing the clear water inspections for the TOH for one year. RWK stated WSD already performs most of the inspection criteria indicated on the form when WSD does a ten-year meter change out at which time a clear water inspection and cross connection check occurs. WSD personnel will complete the Clear Water Inspection form while doing the ten-year meter change outs as well as when ownership change occurs. Fluke requested the completed forms be submitted by WSD to TOH once per year at the end of each year. WSD will contact TOH immediately for follow up if Town issues are found. WSD needs to establish a home ownership transfer procedure to allow for inspections when home ownership change occurs. Fluke suggested WSD contact Darboy to question Darboy's inspection procedure when ownership change occurs.

WAVERLY SANITARY DISTRICT

April 14, 2009

Page 2

COMMUNITIES/CUSTOMERS/SERVICE CONCERNS - CONTINUED**Rock II LLC (Waverly Beach Sports Bar) Road Reservation – Amended easement receipt status**

SCM reported he has not received contact/information regarding this project since WSD's 3/10/09 meeting. Fluke stated, due to experiencing some stumbling blocks, Attorney Frassetto/TOH are still working through the process.

KC Service Inquiry – Waiver of Assessment status

Fluke stated KC is currently working with Town Planner Mommaerts and anticipates building will begin summer 2009. SCM stated when K-C proceeds with the project, Pociask will return the signed Waiver of Assessment form to WSD.

OLD BUSINESS**- Water Sample Tests' Results**

RWK reported all five tests, two taken on 3/4/09 and three taken on 3/18/09, were determined as safe by the State of Wisconsin. (Attachment #1, pp. 1-5)

- Lift Station #4 – Meter station's current monitoring data discussion

RWK reported Jim Peichl and MCO crew rewired the pumps the week of 4/6/09. The flow meters are now wired separately and are working correctly, to everyone's satisfaction. WSD provided WSD's pumping records to Peichl and WSD was recently billed accordingly.

- Future Water Supply Connection (2nd) to Appleton – Future station's site acquisition status

SCM reported his main contact, Duane Fox, has been unavailable due to illness. VHE-II-5 would like to utilize WSD's influence to maximize VHE-II-5's leverage on TOH and Calumet Co. regarding access permit issuance issues between the Town/County. However, WSD does not have the leverage perceived by VHE-II-5. VHE-II-5 is ready to install the water main along the east side so SCM anticipates a reply to WSD's 3/17/09 purchase proposal soon. In the meantime, M&E submitted an approval application to the PSC for WSD's second connection to the COA, as well as an approval request to the COA for WSD's second connection to COA's water supply. VHE-II-5's response to WSD and the access permit issues are hindering this project.

- Midway Road Water Main Extension – Project status discussion

SCM reported this project was to start 4/13/09. However, COA's CAD file and what actually exists on Midway Rd. do not match because SCM presumes the manholes were staked utilizing the old plan, and the old plan does not include the round-a-bout. SCM anticipates the correct CAD file will be determined by the end of day 4/14/09 and project construction will begin 4/15/09.

- VHE II-5 (Warehouse Specialists) – Water main easement to be received after installation – prior to project acceptance

SCM stated the easement will be received after installation/before project acceptance.

WAVERLY SANITARY DISTRICT

April 14, 2009

Page 3

GENERAL CONSTRUCTION STATUS (INDIVIDUAL PROJECTS)

- **Woodland Hills Heights – Project status report**

SCM stated a very small wetlands located in a ditch to the east is an issue with the DNR, as well as Hagens' recent corporation name change/corporate officer change.

Note: The actual name and officer changes were not stated at the 4/14/09 meeting.

- **Birling Court Extension (Andrysezyk) – Project status report**

SCM/WSD have not received contact/information regarding this project since WSD's 3/10/09 meeting.

- **Lake Park Condominiums – Project status report**

SCM reported Kaster/Mahn are continuing their attempt to purchase the corner lot owned by Reannes. Kaster/Mahn are reconsidering condo development and will wait for market conditions to improve before progressing with this project.

- **Outagamie LLC Future Development – Project status report (18 acres)**

Location: North of Woodland Terrace and south of Manitowoc Rd.

SCM stated Ament sold all or part of this property to Van's Realty and Const. Van's is considering a joint plan with Habitat for Humanity for development. A new County Zoning Ordinance has been proposed to reduce lot sizes for Habitat sized lots. If zoning is approved, Van's will develop and Habitat will purchase a certain number of lots each year, perhaps five per year.

- **1st Addition – Lake Park Heights – Project status report**

SCM/WSD have not received contact/information regarding this project since WSD's 3/10/09 Meeting.

- **Crestwood Subdivision – Location: Southside of Midway Road – Off Cottonwood Drive – Between Eternal Love Lutheran Church and Barker Farm Estates**

SCM/WSD have not received contact/information regarding this project since WSD's 3/10/09 Meeting.

WAVERLY SANITARY DISTRICT

April 14, 2009

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NEW BUSINESS

- **Establish the May Meeting Date – Tuesday, May 12, 2009 (8:30 a.m.) District Office**
Tuesday, May 12, 2009 at 8:30 a.m. was established as the May meeting date/time. The meeting will be held at the District's office.

- **Establish Closed Session Date/Time – 2009 Wage Increases – Retroactive from 1/01/09
– After Hours "On-Call" Procedure/Restitution**
The Commission determined the Closed Session Meeting will be held Friday, 4/17/08 at 8:00 a.m. at the District's office.

OFFICE REPORT (Attachment #2, pp. 1-10)

CMG did not review the Office Report due to her absence at the 4/14/09 meeting.

FIELD REPORT (Attachment #3A, pp. 1-5 & Attachment #3B)

A Field Report was not submitted for meeting minutes' attachment.

RWK reported the frost has separated WSD's sign foundation. The facility parking lot's black top has numerous cracks needing repair and the black top should be sealed as well. SCM recommended Valley Seal Coat be utilized for repair/resealing. Fluke suggested contact with the TOH to inquire if TOH's crew would include WSD's black top work along with the Sherwood's projects, usually scheduled during May.

RWK reported PJ Cortland recently viewed LS #2 and #3 for proposed electrical updating discussed at prior meetings. Usemco is scheduled to view LS #2 and #3. A decision will be made after PJ Cortland and Usemco provide recommendations to WSD.

Manholes located on FL 2 were recently inspected by Dave Dodge, Adaptor Corp., Milwaukee, who recommended the manholes be dug out and manhole boots be installed due to the high water situation in this area.

Hydrant flushing is scheduled to start on 4/20/09, as published in the Post-Crescent 4/19/09, and will continue for approximately four weeks.

OTHER BUSINESS TO LEGALLY COME BEFORE THE COMMISSION**Secured Mail Box for District – Installation location discussion**

RWK stated the mail box will be installed as soon as the frost leaves the ground.

WAVERLY SANITARY DISTRICT

April 14, 2009

Page 5

OTHER BUSINESS TO LEGALLY COME BEFORE THE COMMISSION - CONTINUED

District Payment Drop Box – Written contact issued/Scheduled removal date status

SAH stated CMG provided written notification to American Payment Centers regarding the 90-day contact requirement for service contract termination. When the mail box is installed, determination will be made whether the mail box can serve as a drop box and either the current drop box will be purchased from American Payment Centers or WSD will purchase another mailbox to be utilized as a payment drop box.

Bi-Annual Contractor Pre-Qualifications (2009/2010) – Commission review/approval of Atlas Excavating, Inc. – rec'd 3/12/09

SCM stated he reviewed Atlas Excavating, Inc.'s pre-qualification submittal and recommended WSD approve Atlas Excavating, Inc. for projects under \$500,000.

LJF motioned/MLS seconded Atlas Excavation, Inc. approval as stated above. Motion carried 3-0.

Note: Five (5) contractors did not respond to mailing.

Uninsured \$1.4 Million Indicated in WSD's 2008 Audit.

MLS expressed concern regarding the \$1.4 million not insured by the FDIC and suggested the money be deposited in different banks to allow the total amount be insured. The TOH recently did this.

MLS motioned/LJF seconded that WSD check into transferring the uninsured balance into different banks for insurance purposes. Motion carried 3-0.

Since there wasn't any other business to legally come before the Commission, LJF motioned/MLS seconded meeting adjournment.

Meeting adjourned at 9:10 a.m.

Submitted by Susan A. Hallock

CITY OF MENASHA
Special Joint Common Council and
Menasha Electric and Water Utility Commission
Third Floor Council Chambers
140 Main Street, Menasha
Tuesday May 12, 2009
MINUTES

DRAFT

A. CALL TO ORDER

Meeting called to order by Mayor Merkes at 5:00 p.m.

B. ROLL CALL/EXCUSED ABSENCES

PRESENT: Ald. Hendricks, Zelinski, Englebert, Benner, Pamentor, Taylor, Wisneski, Pack
Comm. Allwardt, Fahrbach, Watson, Mayor Merkes

EXCUSED: Comm. Guidote

ALSO PRESENT: PC Stanke, Charles Forrest (Stern Brothers), Carol Wirth (WFPF),
Clerk Galeazzi, and the Press

C. PUBLIC HEARING

Stern BrothersqMenasha Steam Utility Strategy Analysis Report.

Mayor Merkes opened the public hearing. He asked the clerk to record for the record the letter received from Zirkin-Cutler Investment. Zirkin-Cutler Investment is an investment management firm that hold Steam Utility Revenue BANs (Bond Anticipation Notes). The letter states they expect the City of honor its obligations by making payment on the bonds issued.

People that spoke:

1. Nancy Barker, 506 Keyes St. If plant is closed, City will not get it back.
2. Gary Robinson, 1215 Geneva Rd. Were environmental issues addressed at beginning of project?
3. Mary Ann Mulvey, 274 Misty Meadows. Multi-million dollar project and only one bid.
4. Gary Rasack, MU Employee. Plant only operating at half capacity, look at other options. Biomass conversion is possible.
5. Ken Syring, 955 Woodland Dr. What would impact be on bond rating; impact to current customer?
6. Charles Heinz, 651 Paris St. Coal not good for environment; cut losses now.
7. Mary Nebel, 713 1st St. Steam Plant has bled City, time to pull plug. Conversion to biomass at this time is precarious and unpredictable. Utility should take on some responsibility for debt
8. Joanne Roush, 409 Cleveland St. Financial experts have prepared a good report; need to cut losses; shouldnd hold closed session
9. Chris Klein, 730 Keyes St. Project got out of hand; no closed sessions, elected officials should let residents know what is happening.
10. Jeff Riedl, 408 Appleton St. Shouldnd experiment with biomass; close plant as stated in Stern Brothers report; consider selling electric utility.
11. Tim Gosz, 98 Fox St, MU Employee. Employees worked extended hours to get plant running; Water & Electric pays City annual PILOT (payment in lieu of taxes); need to hold open sessions.
12. Ken Kubiak, 1214 Fieldview. Need to do something, look at all options; should hold open meetings.
13. Jan Davey, 1232 Grove St. Have questioned commissioners and MU employees since project started. Council and Commissioners need to listen to taxpayers.

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

1. Charles Heinz, 651 Paris St. State Statute allows closed sessions for certain purpose, follow State Statute
2. Mary Ann Mullvey, 274 Misty Meadows. As Alderman, voted no on steam plant project.
3. Jeff Riedl, 408 Appleton St. Make decision, don't wait to find out what else can go wrong
4. Mary Nebel, 713 1st St. Few Aldermen attend Utility Commission meetings; need to have all details to make decisions.

E. DISCUSSION

Stern BrothersqMenasha Steam Utility Strategy Analysis Report.

Mayor Merkes explained the purpose for Closed Session following this meeting is for litigation and steam customer contracts. He also answered a few questions asked during public hearing.

Charles Forrest (Stern Brothers) answered questions asked during public hearing and questions from council members.

F. ACTION ITEMS

1. Pursuant to Section 19.85 (1) (g) of the Wisconsin Statutes for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, and (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.

Re: Potential Litigation and Steam Customer Contracts

Moved by Ald. Wisneski, seconded by Ald. Pack to adjourn into closed session at 6:45 p.m.
Motion carried on roll call 8-0

Moved by Comm. Fahrback, seconded by Comm. Watson to adjourn into closed session at 6:45 p.m.
Motion carried on roll call

Recessed for 15 minutes to remove gallery from the room.

G. ADJOURNMENT

Moved by Ald. Pack, seconded by Ald. Taylor to adjourn from Closed Session at 7:00 p.m. as there was no legal counsel present
Motion carried on voice vote.

Moved by Comm. Fahrback, seconded by Comm. Watson to adjourn from Closed Session at 7:00 p.m. as there was no legal counsel present
Motion carried on voice vote.

Respectfully submitted by
Deborah A. Galeazzi, WCMC
City Clerk

CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday, May 18, 2009
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: Ald. Zelinski, Englebert, Benner, Pamenter, Taylor, Wisneski, Pack, Hendricks

ALSO PRESENT: Mayor Merkes, Attorney Rich Carlson, PC Stanke FC Vander Wyst,
Eng. Supv. Montour, Comptroller Stoffel, CDD Keil, Deputy Clerk Sewall
and the Press

DEPT HEADS EXCUSED: PWD Radtke, PHN Nett, PRD Tungate

D. PUBLIC HEARING

1. Proposed Final Resolution Authorizing Public Improvement & Levying Special Assessments Against Benefited Property (2+Temporary Asphalt Pavement-Southfield West Subdivision, West end of Tana Lane)

Dan Gueths . 7255 Manitowoc Rd. . Will his property be assessed on both sides?

Shane Plath . 1045 Durham Ln. . How does this affect the taxes? When will permanent street be installed?

Eng. Supv. Montour commented on Mr. Gueths question.

Comp Stoffel commented on Mr. Plath's question regarding taxes.

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

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

Steve Krueger- 701 Paris St. . Concerns regarding a bill from the Public Works Facility.
Mayor Merkes stated he would look into it.

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, 5/4/09](#)
- b. [Board of Public Works, 5/4/09](#)
- c. [Library Board, 4/23/09](#)
- d. [NM Sewerage Commission, 4/28/09](#)

Communications:

- e. [Calumet County Resident Survey, March 2009](#)
- f. [Menasha Historical Society Newsletter, 5/2009](#)
- g. [PWD Radtke, 5/14/09; Final resolution for 2+temporary asphalt pavement-Southfield West subdivision and West end of Tana Ln.](#)
- h. [Public Works Facility, April 2009 disposal violations](#)
- i. [Winnebago County Solid Waste Mgmt. Board, 5/7/09; Discontinuation of blue bag acceptance effective 1/1/10](#)
- j. [Wis. DNR, 5/14/09; Air Pollution Permit Application- Pechiney Packaging, 271 River St.](#)

Ald. Wisneski- Comm. I . How will this impact the city? DPW Radtke will provide more information.

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, 5/4/09](#)

Board of Public Works, 5/4/09 . Recommends Approval of:

2. [Street Use Application . Community First Fox Cities Marathon Sunday, September 20, 2009; 6:00 AM . 2:00 PM](#)
3. [Recommendation to Approve Wayfinding Signage Plan](#)
4. [Recommendation to hold the 2008 Surplus Commodity Revenue Through Tri-County Regional Recycling Program in a tipping fee stabilization fund.](#)

Moved by Ald. Wisneski, seconded by Ald. Pamerter to approve all items on the consent agenda
Motion carried on roll call 8-0

H. ITEMS REMOVED FROM CONSENT AGENDA

None

I. ORDINANCES AND RESOLUTIONS

1. [O-10-09 Ordinance Relating to Recreational Fires \(recommended by the NM Fire Rescue Finance & Personnel Comm, introduced by Ald. Pack and Wisneski\)](#)

Moved by Ald. Pack seconded by Ald. Wisneski to adopt O-10-09
Motion carried on roll call 8-0

J. ACTION ITEMS

1. [Accounts Payable and Payroll for the term 5/7/09-5/14/09 in the amount of \\$460,021.74](#)

Moved by Ald. Wisneski, seconded by Ald. Pack to approve Accounts Payable and Payroll
Motion carried on roll call 8-0

K. APPOINTMENTS

1. Mayor's re-appointment of Sheila Brucks, 238 Butte Des Morts Dr., as the at large member to the Heckrodt Board for the term of May 1, 2009 . May 1, 2010

Moved by Ald. Pack, seconded by Ald. Wisneski to approve re-appointment
Motion carried on voice vote

L. CLAIMS AGAINST THE CITY

None

M. HELD OVER BUSINESS

None

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

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

O. ADJOURNMENT

Moved by Ald. Hendricks, seconded by Ald. Wisneski to adjourn at 6:21 p.m.
Motion carried on voice vote

Respectfully submitted by
Kristin Sewall, Deputy Clerk

ORDINANCE O-14-09

AN ORDINANCE RELATING TO SIGNS

Introduced by Alderman Benner at the recommendation of the Plan Commission.

The Common Council of the City of Menasha does ordain as follows:

SECTION 1: Article F, SEC.13-1-60 through SEC. 13-1-70 is repealed and recreated to read as follows:

ARTICLE F

Signs

SEC. 13-1-60 APPLICABILITY AND PURPOSE OF SIGN REGULATIONS

- (a) **Applicability.** This ordinance shall apply to all outdoor/exterior signs. The standards of the ordinance shall apply to all persons, firms, partnerships, associations, and corporations owning, occupying, or having control or management of any premises located within the limits of the City of Menasha.
- (b) **Purpose.** The purpose of this ordinance is to regulate signs and outdoor advertising within the City of Menasha in order to protect public safety, health, and welfare; minimize abundance and size of signs; reduce motorist distraction and loss of safe sight distance; promote public convenience; preserve property values; support and complement land use objectives as set forth in the city's zoning ordinance; and enhance the aesthetic appearance and quality of life within the city. The standards contained herein are intended to achieve the following objectives:
 - (1) Establish a sign permit system to allow a variety of types of signs in the community and prohibit all signs not expressly permitted by this ordinance.
 - (2) Encourage the effective use of signs as a means of communication.
 - (3) Enable the public to locate goods, services, and facilities without excessive difficulty and confusion by restricting the number and placement of signs.
 - (4) Protect the public right to receive messages, especially non-commercial messages such as political, religious, economic, social, philosophical, and other types of information protected by the First Amendment of the U.S. Constitution.
 - (5) Recognize that the principal intent of commercial signs, to meet the purpose of these standards and serve the public interest, should be for identification of an establishment on the premises, and not for advertising special events, brand names, or off-premise activities. Alternative channels of advertising communication and media are available which do not create visual blight and compromise the safety of the motoring public.
 - (6) Recognize that the proliferation of signs is unduly distracting to motorists and non-motorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for vehicular accidents.
 - (7) Maintain and improve the image of the city by encouraging signs that are compatible with existing signs, have good viewing qualities with passing

- motorists, and are compatible with buildings and streets, through the establishment of specific standards for various zoning districts in the city.
- (8) Prevent signs that are potentially dangerous to the public due to structural deficiencies, disrepair, or distraction to motorists.
 - (9) Reduce visual pollution and physical obstructions caused by a proliferation of signs that could diminish the city's image, property values, and quality of life.
 - (10) Prevent placement of signs that will conceal or obscure signs of adjacent uses.
 - (11) Limit the use of portable commercial signs in recognition of their collective significant negative impact on traffic, safety, and aesthetics of the community.
- (c) The regulations and standards of this ordinance are considered the minimum amount of regulation necessary to achieve a substantial government interest for public safety, aesthetics, and protection of property values.

SEC. 13-1-61 DEFINITIONS

- (a) **Accessory Structure Sign.** Any sign permanently attached to an accessory structure.
- (b) **Animated Sign.** Any sign that uses movement or change of lighting to depict action or create a special effect or scene.
- (c) **Awning/Canopy.** A permanently-mounted durable hood or cover which projects from the wall of the building and may or may not be retracted, folded, or collapsed against the face of a supporting structure.
- (d) **Banner.** Any sign of lightweight fabric or similar material that is mounted to the ground, pole, sign, or structure and is designed to be easily moved from one location to another. Government-related flags shall not be considered banners.
- (e) **Bench Sign.** A sign attached to or painted on any bench that is located in any right-of-way or is in view from any right-of-way.
- (f) **Billboard.** A sign directing attention to a use, facility, activity, message, product, or service which is not conducted on or related to the premises upon which the sign is located.
- (g) **Blanketing.** The unreasonable obstruction of view of a sign caused by the placement of another sign.
- (h) **Building Exposure.** For the purposes of this ordinance only, a building exposure shall be determined by enclosing the most protruding points or edges of a structure within a square or rectangle that will encompass the extreme limits of the structure. Each side of such square or rectangle shall be designated a building exposure.
- (i) **Business.** A person, partnership, organization, cooperative, association, trust, corporation, or similar entity which has a legal existence and functions for commercial, industrial, professional, or philanthropic purposes.
- (j) **Business Center.** Multiple businesses located on a unit or units of contiguous property meeting any of the following criteria:
 - (1) utilizing shared or inter-connected parking areas;
 - (2) utilizing shared access drives.
- (k) **Business Center Sign.** A monument sign identifying the entrance to a business center and/or the names of the businesses located within the business center.
- (l) **Commercial Message.** Any sign wording, logo, or other representation that directly or indirectly names, advertises, or calls attention to a business, product, service, or other commercial activity.

- (m) **Commercial Vehicle Sign.** A commercial vehicle containing sign copy which is parked in such a manner and for such duration as to demonstrate its intention to serve as a sign. This definition does not include any commercial vehicle that is used in the normal day-to-day operations of the business and is parked in any parking space approved for such parking by the City of Menasha.
- (n) **Construction Sign.** Construction signs are temporary signs which consist of two types:
 - (1) Signs erected on the premises where a building permit has been issued or other city approval has been granted. Such signs may indicate the name of the business, or the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the business, structure, or project.
 - (2) Signs erected either on or off-premises for the purposes of facilitating traffic flow or identifying businesses whose access has been temporarily disrupted by right-of-way construction activities such as street or utility projects.
- (o) **Directional Sign.** Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance," or "exit."
- (p) **Electronic Message Center.** A permanent sign whose informational content can be changed or altered by electronic means.
- (q) **Erect.** Shall mean to build, construct, attach, hang, place, install, suspend, affix, reconstruct, or relocate.
- (r) **Flag.** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, school, or other political subdivision.
- (s) **Frontage.** The boundary of a lot which abuts an existing or dedicated public street.
- (t) **Hanging Sign.** A small pedestrian-oriented sign that is permanently suspended below a horizontal plane surface such as a marquee or canopy.
- (u) **Integral Sign.** A sign containing the names of buildings, dates of erection and other similar monumental citation, when carved into stone, concrete, or similar material or made of bronze, aluminum, or other non-combustible material and made an integral part of the structure.
- (v) **Landmark Sign.** An older sign of artistic or historic merit, uniqueness, or extraordinary significance to the city or a sign which describes state or national designation of an historic site or structure. Such signs shall be identified by the Landmarks Commission.
- (w) **Legal Non-Conforming Sign.** A sign lawfully existing at the time of the adoption of this ordinance, or amendment thereto, which does not conform to this ordinance.
- (x) **Marquee Sign.** A sign attached to or consisting in part of an interchangeable copy reader on a permanent overhanging shelter which projects from the face of a building.
- (y) **Monument Sign.** A sign in which the entire bottom is in contact with or is close to the ground and is independent of any other signs.
- (z) **Non-Commercial Sign.** Signs containing non-commercial messages, such as those designating the location of public telephones, restrooms, restrictions on smoking, and restrictions on building entrances.
- (aa) **Off-Premise Sign.** A sign directing attention to a use, business, commodity, service, or activity not conducted, sold, or offered upon the premises where the sign is located.
- (bb) **On-Premise Sign.** A sign which identifies the occupant(s) of the premises or relates solely to the use, business, or profession conducted, or to a principal commodity, service, or entertainment sold, offered, or provided upon the premises.
- (cc) **Pennant.** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, sometimes in series,

- designed to move in the wind. Flags as defined in this Section shall not be considered pennants.
- (dd) **Plaque Sign.** A small, pedestrian-oriented version of a wall sign that is permanently attached to surfaces adjacent to store front entries.
 - (ee) **Pole Sign.** A sign in which the bottom is not in contact with or close to the ground and that is mounted on a freestanding pole(s), column(s), or similar support.
 - (ff) **Political Sign.** A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election or political event, or expressing a political opinion.
 - (gg) **Portable Sign.** Any sign designed or constructed to be easily moved or transported, including, but not limited to the following signs:
 - (1) banners;
 - (2) non-government related flags;
 - (3) pennants;
 - (4) sandwich board signs;
 - (5) signs with wheels or wheels removed;
 - (6) signs with chassis or support constructed without wheels;
 - (7) signs designed to be transported by trailer or wheels;
 - (8) signs attached temporarily to the ground, structure, or other signs;
 - (9) searchlights and stands;
 - (10) hot-air or gas-filled balloons or umbrellas used for advertising; and,
 - (11) substantially similar signs as determined by the Zoning Administrator.
 - (hh) **Premises.** Shall mean a unit or units of contiguous property meeting any of the following criteria:
 - (1) utilizing shared or inter-connected parking areas;
 - (2) utilizing shared access drives;
 - (ii) **Projecting Sign.** A pedestrian-oriented sign that is permanently affixed to the face of a building or structure and projects in a perpendicular manner more than twelve (12) inches from the wall surface of that portion of the building or structure to which it is mounted.
 - (jj) **Real Estate Sign.** A temporary sign which is used to offer for sale, lease, or rent the property, business, or structure upon which the sign is placed.
 - (kk) **Restaurant Menu Sign.** A small, pedestrian-oriented sign which incorporates a menu containing a list of products and prices offered by the restaurant.
 - (ll) **Roof Sign.** A sign located on a roof or projecting above any portion of a roof or exterior wall of the structure.
 - (mm) **Sandwich Board Sign.** A portable sign having two separate and opposite facing sign faces which are hinged at the top, and supported by spreading the sign faces into an upside down "V" formation.
 - (nn) **Sidewalk Sign.** A portable sign placed on a public sidewalk.
 - (oo) **Sign.** Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.
 - (pp) **Static Display.** A sign display whose characters or images are not changed more than once in a 24-hour period.
 - (qq) **Store Front.** A store front shall be determined by measuring the linear feet of that portion of a building exposure that corresponds to the interior ground level space

occupied by a single tenant and abutting a public street, parking area, access drive, or pedestrian walkway.

- (rr) **Structure.** Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.
- (ss) **Temporary Sign.** Any sign designed or constructed to be easily moved from one location to another and which are only planned to be in use for time periods of limited duration. Under this ordinance, real estate signs, political signs, and construction signs shall be considered temporary signs. Portable signs as defined in this Section are not included in this definition.
- (tt) **Tenant Directory Sign.** A sign used to identify multi-tenant buildings and businesses that do not have direct frontage on a public street.
- (uu) **Wall Sign.** A sign fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve (12) inches from such buildings or structure.
- (vv) **Window Sign.** Any sign that is placed inside a window or upon window panes or glass and is visible from the exterior of the window.

SEC. 13-1-62 SIGNS EXEMPT FROM PERMIT REQUIREMENTS

- (a) **Artwork.** Works of art which do not identify a business, product, or service.
- (b) **Construction Signs.** Temporary construction signs shall be permitted in accordance with the following standards:
 - (1) Construction signs in single and two family residential districts shall not exceed six (6) square feet per sign face, twelve (12) square feet per sign, and six (6) feet in height, and are limited to one (1) per lot. The sign shall be removed within three (3) days of the end of construction activity.
 - (2) Construction signs in multi-family and other districts shall not exceed thirty-two (32) square feet per sign face, sixty-four (64) square feet per sign. Such signs shall be limited to one (1) sign per street frontage per business. The signs shall be removed within fifteen (15) days of the end of construction activity.
 - (3) In instances where temporary signs are necessary in commercial and industrial districts due to right-of-way or similar construction, the following standards shall apply:
 - a. Signs shall be used to facilitate business identification and traffic flow only for lots temporarily impacted by right-of-way construction.
 - b. Such signs shall not exceed thirty-two (32) square feet per sign face, sixty-four (64) square feet per sign and shall be limited to one (1) sign per access point.
 - c. In no instance shall signs be placed within vision control areas. When necessary, signs may be placed off premise on private property with permission of the property owner. The Director of Public Works may grant permission for signs to be temporarily placed in the right-of-way when deemed necessary and appropriate.
 - d. Such signs shall not be placed more than ten (10) days before construction commences and shall be removed within three (3) days of the end of right-of-way construction activity.

- (c) **Directional Signs.** Directional signs shall be permitted in accordance with the following standards:
- (1) Each premises shall be permitted two (2) directional signs per driveway, plus additional directional signs to improve circulation on-site provided they are not placed within the front yard.
 - (2) Directional signs shall not exceed twelve (12) square feet per sign face, twenty-four (24) square feet per sign, and shall not exceed six (6) feet in height.
 - (3) Directional signs may be placed in the vision control area provided they do not exceed three (3) feet in height.
 - (4) The sign may contain the following information only:
 - a. name of business or symbol (not both);
 - b. directional arrows;
 - c. the words "entrance" or "exit" or similar terms.
- (d) **Flags.** Government-related flags.
- (e) **Government Signs.** Signs erected by a governmental body.
- (f) **Hanging Signs.** Hanging signs shall be permitted in accordance with the following standards:
- (1) One sign is allowed per business
 - (2) Signs may not exceed four (4) sq. ft. per sign face excluding supports
 - (3) Signs may not be illuminated
 - (4) Signs must be pedestrian-oriented and positioned in a perpendicular manner to the building's wall surface.
 - (5) Hanging signs may be used only at ground floor locations except for upper floor businesses with covered entry porches or balconies.
- (g) **Holiday Lighting.** Temporary lighting and displays that are part of customary holiday decoration, provided that they contain no commercial message and are not located in the right-of-way. Holiday displays and lighting in commercial, industrial, or multi-family districts may be displayed up to sixty (60) days prior to the holiday and shall be removed within fifteen (15) days after the holiday.
- (h) **Integral Sign.** Names of buildings, dates of erection, monumental citation, commemorative tablets when carved into stone, concrete, or similar material, or made of bronze, aluminum, or other non-combustible material and made an integral part of the structure. Such signs shall not exceed twenty-five (25) square feet in area.
- (i) **Landmark Signs.** Landmark signs as defined in this ordinance.
- (j) **Nameplate.** Address, owner, or occupant nameplate and other signs of up to two (2) square feet in area attached to a mailbox, light fixture, or an exterior wall.
- (k) **Off-Premise Special Event Signs.** Announcements by public or non-profit organizations of fund raising events, special events, or activities of interest to the general public which are located off-premise, other than political signs, provided that they meet the following:
- (1) Such signs shall not exceed six (6) square feet per sign face, twelve (12) square feet per sign in residential districts and thirty-two (32) square feet per sign face for other districts.
 - (2) Such signs may be placed in the right-of-way at the discretion of and with authorization by the Director of Public Works.
 - (3) Signs may be erected up to two (2) weeks before the event and shall be removed within three (3) days after the event.

- (l) **Parking Lot Signs.** Parking lot signs indicating restrictions on parking, when placed within approved parking lots.
- (m) **Plaque Signs.** Plaque signs shall be permitted in compliance with the following standards:
 - (1) Signs must be located adjacent to a business entrance;
 - (2) One (1) sign shall be allowed per business entrance;
 - (3) Signs shall not exceed two (2) sq. ft. maximum and shall not project from wall surfaces more than two (2) inches;
 - (4) Signs may not be illuminated.
- (n) **Political Signs.** Temporary political signs shall be removed within fifteen (15) days after the election or event.
- (o) **Portable Signs.** Portable signs as defined in Sec. 13-1-61 shall be permitted in compliance with the following standards.
 - (1) The use of a portable sign shall be limited to thirty (30) days at a time, and not more frequently than three (3) times per calendar year at any one business. The placement of one portable sign constitutes one (1) event.
 - (2) For a special event, such as a grand opening or special sale, multiple portable signs may be used (such as banners, flags, or pennants). Use of multiple portable signs for special events shall be permitted one (1) time per calendar year per business, not to exceed (30) days at a time. This time period will be counted towards the allowable portable sign use of three (3) times per calendar year.
 - (3) The maximum size of any portable sign shall be thirty-two (32) square feet per sign face, sixty-four (64) square feet per sign.
 - (4) Portable signs shall be securely mounted, legible, and maintained in good condition.
 - (5) Portable signs with commercial messages are prohibited on properties employing the use of electronic message centers.
- (p) **Real Estate Signs.** Real estate signs are permitted in compliance with the following standards:
 - (1) Real estate signs in residential districts are limited to one (1) sign per street frontage and may not exceed six (6) square feet per sign face, twelve (12) square feet per sign, and six (6) feet in height.
 - (2) Real estate signs in nonresidential district are limited to one (1) sign per street frontage and may not exceed thirty-two (32) square feet per sign face, sixty-four (64) square feet per sign, and eight (8) feet in height.
 - (3) Real estate signs shall be removed on or before fifteen (15) calendar days after the sale, lease, or rental of the premises or structure, property, subdivision, or condominium. The date of the acceptance of an offer to purchase, to lease, or to rent by the current owner, or the date of a placement of a sold, leased, or rented sign on the premises, whichever date is earlier, shall determine the beginning of the fifteen (15) day period.
- (q) **Restaurant Menu Sign.** Restaurant menu signs shall be permitted in compliance with the following standards:
 - (1) Signs must be located adjacent to the business entrance;
 - (2) One (1) sign shall be allowed per business entrance;
 - (3) Signs shall not exceed six (6) sq. ft. maximum;
 - (4) Menus shall be located within a permanently mounted display area and protected from the elements;

- (5) Menus may be illuminated from an exterior source only.
- (r) **Rummage Sale and Seasonal Home Occupation Signs.** Signs announcing rummage sales or seasonal home occupations in accordance with Section 13-1-86 are permitted in compliance with the following:
 - (1) One (1) sign is allowed per street frontage.
 - (2) Signs may be located off-premises but must be on private property; such signs in the public right-of-way are prohibited.
 - (3) Signs may not exceed six (6) square feet per sign face, twelve (12) square feet per sign.
 - (4) Such signs may be erected no more than seven (7) days before and shall be removed within three (3) days after the announced sale.
- (s) **Window Signs.** Window signs and other signs within a building provided such signs shall not occupy more than thirty percent (30%) of the window space.
- (t) **Warning Signs.** Signs that provide warning messages, such as no trespassing or warning of electrical currents or animals.
- (u) **Certain Non-Commercial Signs.** Signs containing non-commercial messages, such as those designating the location of public telephones, restrooms, restrictions on smoking, and restrictions of building entrances, provided that such signs do not exceed a maximum of four (4) square feet.
- (v) **Certain Incidental Commercial Signs.** Vending machines, automatic tellers, gasoline pumps, and similar devices which display prices and/or the name, trademark, or logo of a company or brand, provided the display is an integral part of the device and does not exceed four (4) square feet in area per side of the device.

SEC. 13-1-63 PROHIBITED SIGNS.

- (a) **Animated Signs.** Animated signs, including but not limited to the following:
 - (1) Signs having moving members or parts, excluding barber poles and time and temperature signs which do not contain commercial messages.
 - (2) Signs using high intensity or flashing lights.
 - (3) Signs or lighting which in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals.
- (b) **Bench Signs.** Signs attached to or painted on any bench that is located in any right-of-way or is in view from any right-of-way or public area.
- (c) **Commercial Vehicle Signs.** Commercial vehicle signs as defined in Sec. 13-1-61.
- (d) **Off-Premise Signs and Billboards.** Off-premise signs and billboards erected for the purposes of directing attention to a use, facility, activity, message, product, or service which is not conducted on or related to the premises upon which the sign is located, except as provided for in this ordinance.
- (e) **Pole Signs.** Except as allowed in 13-1-67, a sign in which the bottom is not in contact with or close to the ground and that is mounted on a freestanding pole(s), column(s), or similar support.
- (f) **Roof Signs.** Signs located on a roof or projecting above any portion of a roof or exterior wall of a structure.
- (g) **Signs Obstructing Access or Egress.** Signs which obstruct free access or egress from any building, including those that obstruct any fire escape, required exit way, window, or door opening or that prevent free access to the roof by firefighters.

- (h) **Signs in Vision Control Area.** Signs located in any vision control area as defined in Sec. 13-1-53, except signs that are three (3) feet or lower or are pole-mounted (with a pole diameter of twelve (12) inches or less) and maintain ten (10) feet in height to the bottom of the sign. This vision control area shall be applied to any intersection of street right-of-way, driveways, or combination thereof.
- (i) **Signs in the Right-of-Way.** Signs placed in, or projecting into any public street right-of-way, with the exception of signage erected by any governmental body having jurisdiction over the right-of-way or as provided for in this ordinance.
- (j) **Signs Painted on Walls.** Signs painted directly on an exterior building wall. Murals or artwork of a non-commercial nature are permitted.

SEC. 13-1-64 SIGN PERMITS REQUIRED.

- (a) **Permit Required.** No person shall erect any sign in the City of Menasha without first having obtained the appropriate permit from the Zoning Administrator, except as provided for in this ordinance.
- (b) **Exceptions.** A permit is not required for the following changes to existing signs with valid permits, however, a drawing or photo of the changes shall be submitted in order to update the sign permit:
 - (1) repainting of a sign message;
 - (2) a copy change or replacement of panels within an existing sign frame or cabinet;
 - (3) repair of a conforming sign with a valid permit.
- (c) **Application.** Before construction of any sign(s) requiring a permit, applicants shall consult with the Zoning Administrator and submit an application that shall include:
 - (1) A completed permit application with the signature of the property owner.
 - (2) An accurate plot plan drawn to scale of the entire lot on which the sign(s) will be located.
 - (3) Location of buildings, parking lots, driveways, and landscaped areas on the lot.
 - (4) A table (or tables) containing:
 - a. Computation of the maximum total sign area;
 - b. Maximum area for individual signs;
 - c. Height and number of monument signs; and
 - d. Statement of the maximum total sign area and maximum number of signs permitted on the site by this Code.
 - (5) An accurate indication on the plot plan of the location and orientation of all existing signs, each sign for which a permit is requested, and the anticipated location of future signs requiring a permit.
 - (6) A description and illustration of the following:
 - a. Colors and materials to be used in sign construction (e.g., limestone base with bronze letters, etc);
 - b. Style of lettering for all signs;
 - c. Appearance/location of logos or icons;
 - d. Location of each sign on the building(s), with building elevations if necessary (e.g., over doors, over windows, awnings, etc);
 - e. All sign proportions; and,
 - f. Types of illumination (e.g., internally illuminated, or external illumination with description of type of outdoor light fixture).

- (7) In addition, optional submittals may be required by the Zoning Administrator if deemed necessary due to the character of the proposed signs and/or site.
- (d) **Permit Fees.**
 - (1) A permit fee established by the Common Council shall be paid to the City of Menasha for each sign permit issued under this Code.
 - (2) A fee shall not be charged for putting an existing sign into conformance with this ordinance or for a copy change as listed in 13-1-64(a).
 - (3) The fee does not include electrical permit fees, which shall be in addition to the sign permit fees listed in this section.
 - (4) Any person failing to obtain a sign permit prior to erecting a sign shall pay double permit fees.
- (e) **Approval by Landmarks Commission.** Signs to be located in a designated historic district are subject to review and approval by the Landmarks Commission prior to the issuance of a sign permit.
- (f) **Signs in Right-of-Way.** Permit applications for a sign which projects into a public right-of way as allowed in this ordinance must include the following:
 - (1) **Liability Agreement.** An agreement by the business and/or property owner to indemnify and hold harmless the City of Menasha for any damages or liabilities whatsoever resulting from the placement of such sign.
 - (2) **Revocation Agreement.** An agreement by the business and/or property owner that in the event it is deemed necessary to revoke the sign permit on the basis of a need to expand capacity, improve safety, or other reason related to the orderly use of the right-of-way, the City of Menasha may terminate the permit and order the sign to be removed according to the process outlined in Sec. 13-1-70(a).
- (g) **Revocation of Permit; Appeal.** The Zoning Administrator, Building Inspector, and/or designee may at any time for a violation of this ordinance revoke a permit or require changes to bring the sign into conformance with this ordinance. Notice shall be given according to the process outlined in Sec. 13-1-70(a). The holder of a revoked permit shall be entitled to an appeal before the Board of Appeals.

SEC. 13-1-65 GENERAL SIGN REGULATIONS

- (a) **Design.** Signs shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect.
- (b) **Maintenance.** Every sign shall be constructed and maintained in good structural condition at all times. All signs shall be kept neatly painted, stained, sealed, or preserved including all parts and supports.
- (c) **Illumination.** Illumination of signs as permitted in Sec. 13-1-66 shall be subject to the following standards:
 - (1) Illumination of signs shall be directed or shaded so that the no direct rays shall:
 - a. interfere with the vision of persons on adjacent streets or properties
 - b. be directed onto adjacent residential uses or districts; or,
 - c. create a nuisance condition as determined by the Zoning Administrator and/or designee.
 - (2) Where internal illumination of signs is permitted, signs shall be designed to minimize the amount of light that is transmitted through the sign panel. The display of white light should be limited to the sign copy. If lighting the sign copy

only is not an option, the display of internal illumination through the background shall be controlled by one or more of the following:

- a. limiting the illuminated background to 30% of the sign area;
 - b. changing the shape of the sign to reduce the lighted surface area,
 - c. using a dark color;
 - d. using an opaque screen.
- (3) Underground wiring shall be required for illuminated signs not attached to a building.
- (d) **Blanketing.** Blanketing of signs is prohibited.
- (e) **Clearance Areas.**
- (1) **Vehicle Area Clearance.** When a sign extends over a private area where vehicles travel or are parked, the bottom of the overhanging sign must be at least twelve (12) feet above the ground. Vehicle areas include but are not limited to driveways, alleys, parking areas, and loading and maneuvering areas.
 - (2) **Pedestrian Area Clearance.** When a sign extends over a sidewalk, walkway, or other space accessible to pedestrians, the bottom of the sign structure must be at least seven (7) feet above the ground.
- (f) **Corner Lots.** Corner lot properties may choose one of the following options for monument signs:
- (1) One sign may be placed along each street frontage in accordance with the standards for the zoning district; the permissible sign area for each sign shall be equal to the average linear feet of the both building exposures, not to exceed 125% of the shorter building exposure.
 - (2) In lieu of two signs, one sign may be erected not to exceed 125% of the permissible sign area based on the average of both building exposures and in accordance with the standards for the zoning district.
- (g) **Transitional Areas.** Signs are prohibited within any transitional area required by Sec. 13-1-17.
- (h) **Calculation of Sign Area.** Sign area shall be calculated as follows:
- (1) **Calculation of Area of Individual Signs.** The allowable area of a sign face shall be measured by enclosing the most protruding points or edges of a sign within the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material, color, or decoration forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. Such area shall not include any base, supports, bracing, supporting fence, or supporting wall when they are clearly incidental to the display itself.
 - (2) **Calculation of Area of Multi-faced Signs.** The allowable sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than two (2) feet apart, the sign area shall be computed by measurement of one of the faces.
- (i) **Computation of Height.** The allowable height of a sign shall be measured by calculating the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be the lower of:
- (1) the existing grade prior to construction; or,

- (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
- (j) **Assignment of Allowable Sign Area - Multi-Tenant Buildings.** When the allowable area for signs is based on the linear feet of a building exposure, the allowable sign area may be assigned to each tenant as follows:
- (1) allowable sign area multiplied by the percent of building exposure or building space occupied by each tenant;
 - (2) the allowable sign area divided by the number of tenants; or,
 - (3) the allowable sign area may be assigned at the discretion of the property owner.

SEC. 13-1-66 SIGN STANDARDS BY ZONING DISTRICT.

- (a) All signs in the C-2 Central Business District shall be subject to the Downtown Menasha Sign Design Guidelines as adopted by the Common Council.
- (b) The following charts list standards by zoning district for signs that require a sign permit:

Zoning District	Sign Type Permitted	Restrictions see Sec. 13-1-67	Allowable Sign Area per Building Exposure	Min & Max Sign Area/ Business*	Max #	Max Height	Setback see Sec. 13-1-65(e)
A-1, R-1, R-2, R2-A (2 unit only)	wall (for general home occupations only)	no illumination	2 sq. ft./sign	NA	1/unit	below 2nd floor windows or 20ø whichever is less	NA
R-2A (3+ units), R-3, R-4	monument	external illumination only	32 sq. ft./sign face, not to exceed 64 sq. ft./sign	NA	1/street frontage; see Sec. 13-1-65(f) for corner lots	10ø	2ø
Special Use: A-1, R-1, R-2, R-2A, R-3, R-4	wall	external illumination only	1 sq. ft. for each linear ft. of the building exposure	at least 20 sq. ft., not to exceed 50 sq. ft.	allowable sign area may be applied per building exposure	below 2nd floor windows or 20ø whichever is less	NA
	monument	external illumination only	32 sq. ft./sign face, not to exceed 64 sq. ft./sign		1/street frontage; see Sec. 13-1-65(f) for corner lots	10ø	10ø

* The aggregate maximum sign area per business may not exceed the allowable sign area per building exposure. In order to accommodate businesses with very narrow building exposures, a minimum sign area per business is granted for certain types of signs. A sign smaller than the minimum may be erected subject to the requirements of this ordinance.

Zoning District	Type Permitted	Restrictions (See Sec. 13-1-67)	Allowable Sign Area per Building Exposure	Min & Max Sign Area per Business*	Max#	Max Height	Setback see Sec. 13-1-65(e)
C-1, I-1, I-2	wall - ground floor businesses, including awning, canopy, and marquee		1 sq. ft. for each linear ft. of the building exposure	at least 20 sq. ft, not to exceed 300 sq. ft.	allowable sign area may be applied per building exposure	top of wall	NA
	wall - upper floor businesses and/or tenant directory		8 sq. ft.	NA	1/entrance	at entrance, below 2nd floor windows or 20ø whichever is less	NA
	monument (see Sec. 13-1-67 for electronic message centers)		1 sq. ft./sign face for each linear ft. of the building exposure, not to exceed 200 sq. ft.	not to exceed 75 sq. ft./sign face for 1 st business, 50 sq. ft./sign face for each business thereafter	1/street frontage; see Sec. 13-1-65(f) for corner lots	16ø	2ø
	business center	requires Special Use Permit	not to exceed 200 sq. ft.	not to exceed 75 sq. ft./sign face for 1 st business, 50 sq. ft./sign face for each business thereafter	1/business center entrance	16ø	per Special Use Permit
	projecting - ground floor businesses	external or back lit/halo illumination only	25 sq. ft./sign face, not to exceed 50 sq. ft./sign	NA	1/business	below 2nd floor windows or 20ø whichever is less	NA
	projecting - upper floor businesses or tenant directory	external or back lit/halo illumination only	8 sq. ft.	NA	1/entrance	at entrance below 2nd floor windows or 20ø whichever is less	NA

* The aggregate maximum sign area per business may not exceed the allowable sign area per building exposure. In order to accommodate businesses with very narrow building exposures, a minimum sign area per business is granted for certain types of signs. A sign smaller than the minimum may be erected subject to the requirements of this ordinance.

Zoning District	Type Permitted	Restrictions (See Sec. 13-1-67)	Allowable Sign Area per Building Exposure	Min & Max Sign Area per Business*	Max#	Max Height	Setback see Sec. 13-1-65(e)
C-1, I-1, I-2 adjacent STH 441 frontage	wall		1 sq. ft. for each linear ft. of the building exposure	at least 20 sq. ft, not to exceed 500 sq. ft.	1/business on building exposure facing STH 441 only	top of wall	NA
	monument		1 sq. ft./sign face for each linear ft. of the building exposure, not to exceed 200 sq. ft.	not to exceed 100 sq. ft./sign face for first business, 50 sq. ft./sign face for each business thereafter	1/lot	16ø	2ø
	pole	See Sec. 13-1-67	1 sq. ft./sign face for each linear ft. of the building exposure, not to exceed 300 sq. ft./sign face	not to exceed 150 sq. ft./sign face for first business, plus 50 sq. ft./sign face for each business thereafter	1/lot facing STH 441	16ø above STH 441 centerline grade	2ø

* The aggregate maximum sign area per business may not exceed the allowable sign area per building exposure. In order to accommodate businesses with very narrow building exposures, a minimum sign area per business is granted for certain types of signs. A sign smaller than the minimum may be erected subject to the requirements of this ordinance.

Zoning District	Type Permitted	Restrictions (See Sec. 13-1-67)	Allowable Sign Area per Building Exposure	Min & Max Sign Area per Business*	Max#	Max Height	Setback see Sec. 13-1-65(e)
C-2	wall - ground floor businesses, including awning, canopy, and marquee	external or back lit/halo illumination only	1 sq. ft. for each linear ft. of the store front	at least 10 sq. ft., not to exceed 50 sq. ft.	allowable sign area may be applied per store front	below 2nd floor windows or 20ø whichever is less	NA
	wall - upper floor businesses and/or tenant directory	external or back lit/halo illumination only	8 sq. ft.	NA	1/entrance	at entrance below 2nd floor windows or 20ø whichever is less	NA
	projecting - ground floor businesses	external or back lit/halo illumination only	1 sq. ft for each linear ft. of store front, not to exceed 25 sq. ft./sign face	NA	1/business	below 2nd floor windows or 20ø whichever is less	NA
	projecting - upper floor businesses or tenant directory	external or back lit/halo illumination only	8 sq. ft.	NA	1/entrance	at entrance below 2nd floor windows or 20ø whichever is less	NA
	monument	external or back lit/halo illumination only	1 sq. ft./sign face for each linear ft. of the building exposure; not to exceed 50 sq. ft.	NA	1/street frontage, see Sec. 13-1-65(f) for corner lots	8ø	2ø
	business center	requires Special Use Permit	not to exceed 100 sq. ft.	not to exceed 50 sq. ft./sign face for 1 st business, plus 25 sq. ft./sign face for each business thereafter	1/business center entrance	8ø	per Special Use Permit
	sidewalk	see Sec. 13-1-67	8 sq. ft./sign face, 16 sq. ft./sign	NA	1/business	6ø	see Sec. 13-1-67

* The aggregate maximum sign area per business may not exceed the allowable sign area per building exposure. In order to accommodate businesses with very narrow building exposures, a minimum sign area per business is granted for certain types of signs. A sign smaller than the minimum may be erected subject to the requirements of this ordinance.

Zoning District	Type Permitted	Restrictions (See Sec. 13-1-67)	Allowable Sign Area per Building Exposure	Min & Max Sign Area per Business*	Max#	Max Height	Setback see Sec. 13-1-65(e)
C-3, C-4	wall - ground floor businesses, including awning, canopy, and marquee	for retail uses, the C-1 standards for wall signs shall apply	1 sq. ft. for each linear ft. of the building exposure	at least 20 sq. ft., not to exceed 75 sq. ft.	allowable sign area may be applied per building exposure facing a street or customer parking lot	below 2nd floor windows or 20' whichever is less	NA
	wall - upper floor businesses or tenant directory	external or back lit/halo illumination only	8 sq. ft.	NA	1/entrance	at entrance below 2nd floor windows or 20' whichever is less	NA
	monument	for retail uses, the C-1 standards for monument signs shall apply	1 sq. ft./sign face for each linear ft. of the building exposure; not to exceed 100 sq. ft.	not to exceed 50 sq. ft./sign face for 1st business, 25 sq. ft./sign face for each business thereafter	1/street frontage, see Sec. 13-1-65(f) for corner lots	16'	2 ft
	business center	requires Special Use Permit	not to exceed 100 sq. ft.	not to exceed 50 sq. ft./sign face for 1 st business, 25 sq. ft./sign face for each business thereafter	1/business center entrance	16'	per Special Use Permit
	projecting - ground floor businesses	external or back lit/halo illumination only	1 sq. ft for each linear ft. of store front, not to exceed 25 sq. ft./sign face	NA	1/business	below 2nd floor windows or 20' whichever is less	NA
	projecting - upper floor businesses or tenant directory signs	external or back lit/halo illumination only	8 sq. ft.	NA	1/entrance	at entrance below 2nd floor windows or 20' whichever is less	NA

* The aggregate maximum sign area per business may not exceed the allowable sign area per building exposure. In order to accommodate businesses with very narrow building exposures, a minimum sign area per business is granted for certain types of signs. A sign smaller than the minimum may be erected subject to the requirements of this ordinance.

SEC. 13-1-67 REQUIREMENTS BY SIGN TYPE

- (a) **Accessory Structure Signs.** Signs may be placed on the walls of accessory structures facing a street or customer parking lot, but the sign area used shall be deducted from the allowable wall sign area for the building exposure of the primary building.
- (b) **Awnings/Canopies/Marquees.** Awning, canopy, and marquee signs shall be permitted subject to the following standards:
 - (1) In the C-2 Central Business District, they may project into the public right-of-way, but may not be erected closer than three (3) feet to any street curb line.
 - (2) A minimum clearance of seven (7) feet shall be maintained from ground level.
 - (3) They shall not extend above the roof or parapet of the structure to which it is attached.
 - (4) Any text, logos, or other graphic representation qualifying as a sign which is placed on an awning, canopy, or marquee shall be included within the calculation of total allowable wall sign area and are subject to the requirements of this ordinance.
 - (5) Marquee signs shall be limited to buildings occupied by theaters, cinemas, performing arts facilities, or parking structures.
- (c) **Business Center Signs.** Business center signs shall be permitted subject to the following standards:
 - (1) Signs shall require a Special Use Permit and are intended to identify the entrance, the name of the business center, and/or the names of businesses within the business center.
 - (2) The boundaries of the business center shall be determined through review and approval of the Special Use Permit.
 - (3) Business center signs shall keep the first two (2) feet of the sign closest to the ground free of sign copy for the purposes of snow storage and landscaping. This portion of the sign shall not be counted toward the calculation of allowable sign area.
 - (4) The maximum height of the sign base shall be no more than 1/3 the total sign height.
 - (5) In granting a Special Use Permit, additional conditions may be required depending on the unique conditions of the business center and surrounding area. These conditions may include, but are not limited to:
 - a. location
 - b. design details
 - c. colors
 - d. materials
 - e. illumination
 - f. size
 - g. height
 - h. landscaping
 - i. number of businesses identified
 - (6) Electronic message centers are prohibited.
- (d) **Electronic Message Centers.** Signs whose informational content can be changed or altered by electronic means shall be subject to the following standards:

- (1) Electronic message centers shall only be allowed in the C-1, I-1, and I-2 districts. Electronic message centers shall require a Special Use Permit if they are located within two hundred (200) feet of either of the following:
 - a. a residential use or district;
 - b. any property use that requires a Special Use Permit.
 - (2) Electronic message centers shall be allowed on monument signs only and are subject to all monument sign requirements of the applicable zoning district.
 - (3) The sign shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination. The sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness.
 - (4) Electronic message centers shall be integral to and a part of the original approved monument sign and may not comprise more than 30% of the sign face. Static displays consisting only of letters or numerals that are not changed more than once in a 24-hour period shall not be included in the area computation of the electronic message center. The combined square footage of the electronic message center plus any static display area may not comprise more than 75% of the total allowable square footage.
 - (5) Each message displayed on an electronic message center must be static or depicted for a minimum of 2 seconds. The minimum allowed if using a special entrance/exit method that does not violate 13-1-67(g)(4) above is 1.3 seconds.
 - (6) Electronic message centers shall not utilize animation, chasing, flashing, scintillation, scrolling or running messages, fade, or any other effect which depicts movement or is intended to draw attention to the sign.
 - (7) Multi-colored electronic message centers are prohibited.
 - (8) Including an electronic message center as part of a permanent sign will prohibit the use of any portable signs (as defined in Sec. 13-1-61) containing commercial messages.
 - (9) Electronic message centers shall not display off-premise commercial advertising.
 - (10) The Zoning Administrator shall inspect annually or at such other times as deemed necessary each electronic message center for the purpose of ascertaining whether the software settings are in compliance with the requirements of this Code. The owner of the electronic message center shall pay to the City of Menasha an annual inspection fee in an amount established by the Common Council.
- (e) **Monument Signs.** Monument signs shall be permitted subject to the following standards:
- (1) Monument signs shall keep the first two (2) feet of the sign closest to the ground free of sign copy for the purposes of snow storage and landscaping. This portion of the sign shall not be counted toward the calculation of allowable sign area.
 - (2) Monument signs must incorporate design details, materials, and colors of the associated building(s). EIFS shall not be allowed on the bottom 3 feet.
 - (3) The maximum height of the sign base shall be no more than 1/3 the total sign height.
- (f) **Pole Signs.** Pole signs are allowed on properties zoned C-1, I-1, or I-2 that directly abut WIS 441. Pole signs shall be subject to the following standards:

- (1) The structure shall be constructed on no less than two columns which must be designed to incorporate design details, materials, and colors of the associated building(s). EIFS shall not be allowed on the bottom 3 feet. Poles shall be shrouded and integrated into the overall sign design.
 - (2) Maximum height of a pole sign is sixteen (16) feet above the WIS 441 centerline grade directly adjacent to the subject property.
 - (3) Individual tenant sign panels should be uniform in size, recognizing that the major tenant, or the name of the center may have a slightly larger sign panel.
 - (4) Sign panels shall not extend more than two (2) feet beyond the width of the architectural support elements on the sign.
 - (5) Electronic Message Centers are prohibited.
- (g) **Projecting Signs.** Projecting signs shall be subject to the following standards:
- (1) They shall project from the wall at an angle of ninety (90) degrees.
 - (2) A minimum clearance of seven (7) feet shall be maintained from ground level.
 - (3) No projecting sign may be erected within twenty (20) feet of any other projecting sign; however, this provision shall not deny any place of business at least one (1) projecting sign.
 - (4) In the C-2 Central Business District, such signs may project into the public right-of-way, but may not be erected closer than three (3) feet to any street curb line.
- (h) **Sidewalk Signs in the C-1 General Commercial District.** Sidewalk signs may be placed in the C-1 General Commercial District subject to the following limitations:
- (1) Number of Signs Allowed.
 - a. The number of signs shall be limited to one (1) per building exposure per business with direct street and/or public area entry. Multi-tenant buildings are allowed a total of three sidewalk signs per street and/or public area entry. No business shall be displayed on more than one sign per street or public area entry.
 - b. When a sidewalk sign is in use for a business, no other temporary signage on the property may be in use for said business.
 - c. Sidewalk signs are not permitted on parcels with electronic message centers.
 - (2) Design.
 - a. Sidewalk signs shall be a sandwich board type (õA-frameö) with multiple (minimum of 2) or one continuous hinge across the top.
 - b. Signs must be portable.
 - c. Signs shall not exceed a width of two and one-half feet.
 - d. Removable signage panels on thin sign board material such as; aluminum, Centrex, or other quality sign grade material, shall be attached to the sign frame with screws or through the use of slide rails ó no Velcro, staples, or double-sided tape. Cardboard or paper as sign materials shall not be permitted.
 - e. Interchangeable letters or letter copy on rails are discouraged.
 - f. Sidewalk signs shall not be illuminated, animated, have moving parts, or electrically powered in any way.
 - g. Windblown devices such as balloons, banners, or other similar items shall not be attached or otherwise made part of the sidewalk sign.
 - h. Signs shall contain a device such as a chain, rope, or cable to prevent the sign panels from spreading.

- i. Signs shall not have more than two (2) sign faces.
- j. Sidewalk signs shall be free standing, internally weighted and shall not be anchored or affixed to any sidewalk, light pole, sign, traffic signal, bench, newspaper vending box, planting structure or similar structure or appurtenances. The signs shall be placed at sidewalk grade level and shall not be placed on planters, walls, curbs or any similar structure.

(3) Materials.

- a. Signs shall be constructed using quality exterior sign board materials, wood or other durable material.
- b. All wood and metal shall be painted or stained.
- c. All signs shall be professionally printed or painted, changeable copy that is hand lettered shall comprise no more than 75% of the sign face.

(4) Location and Removal.

- a. Placement is allowed on landscaped areas in front of the business, between building frontage and sidewalk or in terrace space of the right-of-way when the terrace is larger than forty-eight (48) inches.
- b. All signs must be removed after the conclusion of business hours each day and are allowed only from 5:00 a.m. to 10:00 p.m.
- c. Signage shall not obstruct the ingress/egress of parked vehicles.
- d. Signs placed near points of ingress/egress will be subject to vision control review.
- e. When multiple signs are placed on one parcel, signs shall have a minimum clear spacing of twenty-five (25) feet between signs.
- f. Sidewalk signs shall not be anchored or affixed to any sidewalk, light pole, sign, traffic signal, bench, newspaper vending box, planting structure or other similar structure or appurtenances. The signs shall be placed at sidewalk grade level and shall not be placed on planters, wall, curbs or any similar structure.

(5) General Condition of Signs.

- a. To keep signs legible and functional, all sidewalk signs shall be maintained and kept free of peeling or fading paint or vinyl.
- b. Any signs which have become deteriorated due to lapse of time, weather, or other reason may be ordered to be removed by the Zoning Administrator and/or designee according to the process outlined in Sec. 13-1-70(a).

(i) **Sidewalk Signs in the C-2 Central Business District.** Sidewalk signs may be placed in the C-2 Central Business District subject to the following limitations:

(1) Number of Signs Allowed.

- a. The number of signs shall be limited to one (1) per building exposure per business with direct street and/or public area entry. Multi-tenant buildings are allowed a total of three sidewalk signs per street and/or public area entry. No business shall be displayed on more than one sidewalk sign per street or public area entry.
- b. When a sidewalk sign is in use for a business, no other temporary signage on the property may be in use for said business.

(2) Design.

- a. Design of such signs in a designated historic district shall be subject to approval of the Landmarks Commission.

- b. Sidewalk signs shall be a sandwich board type (A-frame) with multiple (minimum of 2) or one continuous hinge across the top.
- c. Signs must be portable.
- d. Signs shall not exceed a width of two and one-half feet.
- e. Removable signage panels on thin sign board material such as; aluminum, Centrex, or other quality sign grade material, shall be attached to the sign frame with screws or through the use of slide rails or no Velcro, staples, or double-sided tape. Cardboard or paper as sign materials shall not be permitted.
- f. Interchangeable letters or letter copy on rails are discouraged.
- g. Sidewalk signs shall not be illuminated, animated, have moving parts, or electrically powered in any way.
- h. Windblown devices such as balloons, banners, or other similar items shall not be attached or otherwise made part of the sidewalk sign.
- i. Signs shall contain a device such as a chain, rope, or cable to prevent the sign panels from spreading.
- j. Signs shall not have more than two (2) sign faces.
- k. Signs shall be free standing, internally weighted and shall not be anchored or affixed to any sidewalk, light pole, sign, traffic signal, bench, newspaper vending box, planting structure or similar structure or appurtenances. The signs shall be placed at sidewalk grade level and shall not be placed on planters, walls, curbs or any similar structure.

(3) Materials.

- a. Sign materials in a designated historic district shall be subject to approval of the Landmarks Commission.
- b. Signs shall be constructed using quality exterior sign board materials, wood or other durable material.
- c. All wood and metal shall be painted or stained.
- d. All signs shall be professionally printed or painted, changeable copy that is hand lettered shall comprise no more than 75% of the sign face.

(4) Location and Removal.

- a. Signs shall be located within twenty (20) feet of the building exposure whose business name, goods, or services are being offered.
- b. Such signs may be placed in the first four (4) feet adjacent to the building or the first 4 (4) feet adjacent to the curb. Signage shall not obstruct the ingress/egress of parked vehicles. A minimum of four (4) feet of sidewalk shall remain open between the sign and any other impediment to pedestrian movement.
- c. All signs must be removed from the public right-of-way after the conclusion of business hours each day and are allowed only from 5:00 a.m. to 10:00 p.m.
- d. When multiple signs are placed on one parcel, signs shall have a minimum clear spacing of twenty-five (25) feet between signs.
- e. Signs shall not be anchored or affixed to any sidewalk, light pole, sign, traffic signal, bench, newspaper vending box, planting structure or other similar structure or appurtenances. The signs shall be placed at sidewalk grade level and shall not be placed on planters, wall, curbs or any similar structure.

- (5) General Condition of Signs.
 - a. To keep signs legible and functional, all sidewalk signs shall be maintained and kept free of peeling or fading paint or vinyl.
 - b. Any signs which have become deteriorated due to lapse of time, weather, or other reason may be ordered to be removed by the Zoning Administrator and/or designee according to the process outlined in Sec. 13-1-70(a).
- (j) **Wall Signs.** Wall signs shall be subject to the following standards:
 - (1) They shall not project more than twelve (12) inches from the building surface.
 - (2) They shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached.
 - (3) They shall not obscure architectural features of the building, including but not limited to windows, arches, sills, moldings, cornices, and transoms.
 - (4) For multiple story building in the C-2 Central Business District and C-3 Business and Office District, wall signs shall only be permitted as follows (except as provided for in this ordinance):
 - a. on the building sign frieze;
 - b. on a window;
 - c. on an awning, canopy, or marquee;
 - d. on a first story panel; and,
 - e. in the area between the first floor and the window sill of the second story window; if no windows are present, then no higher than twenty (20) feet.

SEC. 13-1-68 NONCONFORMING SIGNS.

- (a) **Legal Nonconforming Status.** Any sign located within the City of Menasha limits as of the date of adoption of this ordinance or located in an area annexed to the City of Menasha hereafter which does not conform with the provisions of this ordinance shall be considered a legal nonconforming sign and may be permitted to remain in accordance with this ordinance as long as the sign is properly maintained and not detrimental to the health, safety, and welfare of the community.
- (b) **Loss of Legal Nonconforming Status.**
 - (1) A sign shall lose its legal nonconforming status when one or more of the following occurs:
 - a. the business, event, or use ceases and the building, unit of the building, or property remains vacant for a period of ninety (90) days;
 - b. the sign is expanded or changed to another nonconforming sign;
 - c. the sign is removed or relocated to another site;
 - d. the sign is altered so as to change the shape, size, type, placement, or design of its structural or basic parts;
 - e. the sign is enhanced with any new feature, including the addition of illumination;
 - f. the sign is repaired, except if such repair brings the sign into conformance with this ordinance, when such repair involves the following:
 - 1. the replacement of both the sign frame and sign panels;
 - 2. the replacement of the primary support poles or other support structure;

3. for signs without framework for sign panels, requires replacement of the sign panels.
- (2) A sign that loses its legal nonconforming status shall be immediately brought into compliance with this ordinance with a new permit secured or shall be removed. The Zoning Administrator and/or designee shall order the removal or repair of such sign according to the process outlined in Sec. 13-1-70(a).
 - (c) **Permitted Modifications.** Routine repairs are permitted in order to maintain the sign in a safe and aesthetic condition exactly as it existed at the time of the enactment of the ordinance. A change of sign copy or replacement of sign panels within an existing sign frame is permitted except as provided herein.
 - (d) **Elimination of Nonconforming Signs.** The City of Menasha may acquire by purchase, condemnation, or by other means any nonconforming sign which is deemed necessary to preserve the health, safety, and welfare of the city's residents.
 - (e) **Annual Billboard/Off-Premise Sign Inspection.** The Zoning Administrator and/or designee shall inspect annually or at such other times as deemed necessary each existing billboard or off-premise sign for the purpose of ascertaining whether the same is secure or insecure and whether it is in need of removal or repair. The owner of the billboard or off-premise sign shall pay to the City of Menasha an annual inspection fee in an amount established by the Common Council.

SEC. 13-1-69 ABANDONED, DANGEROUS, UNSAFE, AND ILLEGALLY ERECTED SIGNS.

- (a) **Abandoned Signs.**
 - (1) When a business, event, or use ceases and the building, unit of the building, or property remains vacant for a period of thirty (30) days or more, the property owner shall be required to:
 - a. remove all signs advertising the former business, event, or use (including any frame, support poles, wiring, etc.); or,
 - b. if applicable, install blank panels in the sign frames.
 - (2) The provisions of Sec. 13-1-68(b) shall apply to abandoned nonconforming signs.
- (b) **Dangerous Signs.** Any sign constituting an immediate hazard to health or safety shall be deemed a public nuisance by the Zoning Administrator and/or designee and may be removed by the city according to the process outlined in Sec. 11-7-5 and the cost thereof charged against the owner of the property on which it was installed. If the property owner fails to pay for such costs, the costs shall be placed as a special tax on the property and entered on the tax rolls.
- (c) **Unsafe Signs.** Any sign that is determined by the Zoning Administrator and/or designee to be unsafe, but not representing an immediate health or safety hazard, shall be removed or repaired according to the process outlined in Sec. 13-1-70(a).
- (d) **Illegally Erected Signs.** The Zoning Administrator and/or designee shall order the removal of any sign erected illegally in violation of this ordinance, according to the process outlined in Sec. 13-1-70(a). Persons erecting a sign prior to securing a sign permit shall be given notice to submit a sign permit application according to the process outlined in Sec. 13-1-70(a).

SEC. 13-1-70 ENFORCEMENT PROCESS.

- (a) **Enforcement Process.** The Zoning Administrator and/or designee shall have the authority to enforce the provisions of this ordinance and issue orders related to and promoting the purposes of this ordinance. The provisions of the sign ordinance shall be enforced according to the following procedures:
 - (1) Notice of the violation or required action shall be sent by certified mail addressed to the property owner and/or permit holder at the last known address.
 - (2) The notice shall describe the violation or required action and allow the following time period for removal, repair, or completion of the required action:
 - a. fifteen (15) days for violations of portable or temporary sign requirements, failure to secure a sign permit, and repair or removal of unsafe signs;
 - b. thirty (30) days for all other violations, required actions, or permit revocations.
 - (3) Should the sign not be removed or repaired or the required action completed within the time specified, the Zoning Administrator and/or designee shall have the authority to remove the sign, and the property owner shall be liable for the cost thereof. If the property owner fails to pay for such costs, the costs shall be placed as a special tax on the property and entered on the tax rolls.
- (b) **Exceptions.** Signs illegally located in the right-of-way may be removed by the City of Menasha and held for a period of thirty (30) days. The owner of said sign(s) may recover the sign after paying a fee in an amount established by the Common Council. If the owner does not recover the sign(s) held by the city within the specified time period, the sign will be destroyed.
- (c) **Penalties.** Failure to comply with the standards specified in this ordinance may subject the property owner and/or permit holder to the penalties listed in Sec. 1-1-7.
- (d) **Appeal.** Decisions by the Zoning Administrator and/or designee based on this ordinance shall be subject to appeal to the Board of Appeals.

SECTION 2: This ordinance shall become effective upon its passage and publication as provided by law.

Passed and approved this day of June, 2009.

Donald Merkes, Mayor

ATTEST:

Deborah A. Galeazzi, City Clerk

AN ORDINANCE RELATING TO COMPREHENSIVE PLAN AMENDMENTS

Introduced by Ald. Benner at the recommendation of the Plan Commission.

The Common Council of the City of Menasha does ordain as follows:

SECTION 1: Section 2-4-5 is repealed and recreated to read as follows:

SEC. 2-4-5 CITY PLAN COMMISSION.

- (a) **COMPOSITION.** The Plan Commission shall consist of seven (7) voting members as follows: The Mayor, one (1) Alderman, Director of Public Works, Chairperson of the Parks and Recreation Board and three (3) citizens.
- (b) **APPOINTMENT.**
 - (1) Election/Appointment of Alderman Members. At its annual meeting in April of each year the Common Council shall, by two-thirds vote of its members, elect one (1) of its number as member of the City Plan Commission for a period of one (1) year from and after the first day of May next ensuing.
 - (2) Appointment and Terms of Citizen Members. The Chairperson of the Parks and Recreation Board shall have a one (1) year term. The three (3) citizen members shall be appointed by the Mayor and confirmed by the Common Council to hold office for a period ending respectively one (1), two (2) and three (3) years thereafter from the succeeding first of May. Annually during April, members shall be appointed for a term of three (3) years.
- (c) **ORGANIZATION OF COMMISSION.** The Mayor shall serve as presiding officer. The Plan Commission shall organize by the election of a vice-chairman and such other officers as may in their judgment be necessary. The Plan Commission shall receive such compensation as determined by the Common Council.
- (d) **VACANCIES.** Vacancies shall be filled by appointment for the remainder of the unexpired term in the same manner as appointment for the full term.
- (e) **COMPENSATION.** No compensation shall be paid for service on the Commission. Citizen members shall take the official oath as required by Sec. 19.01, Wis. Stats., said oath to be filed with the City Clerk.
- (f) **RECORD.** The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the City Clerk. Four (4) members shall constitute a quorum but all actions shall require the affirmative approval of a majority of the members present of the Commission.
- (g) **DUTIES.** The Plan Commission shall have the following duties and powers:
 - (1) Mandatory Referrals to Commission. The Common Council or officer of the City having final authority thereon shall refer to the Plan Commission, for its consideration and report before final action is taken by the Council, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation,

abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public ways, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the City or within the territory over which the City is given platting jurisdiction by Chapter 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance. Unless such report from the Commission is made within thirty (30) days, or such longer period as may be stipulated by the Common Council, the Council or other public body or officer may take final action without it.

(2) Miscellaneous Powers. The Commission may make reports and recommendations relating to the plan and development of the City to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the Common Council programs for public improvements. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Common Council.

(3) The Comprehensive Plan.

- a. Purpose. The purpose of this section is to provide procedures and criteria for creating, adopting, amending, and updating the City of Menasha Comprehensive Plan. The Plan Commission may create, adopt, and, as necessary, amend, extend or add to the Comprehensive Plan, subject to Common Council confirmation, for the physical development of the City including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the City.
- b. Applicability. This section shall apply to the creation, adoption, amendment, and updating to any elements of the City of Menasha Comprehensive Plan.
- c. Comprehensive Plan Elements. The Comprehensive Plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and shall include, among other things without limitation because of enumeration, the following elements as required by State of Wisconsin planning law (§66.1001):
 1. Issues and opportunities element
 2. Housing element.

3. Utilities and community facilities element
Agricultural, natural and cultural resources element.
 5. Economic development element.
 6. Intergovernmental cooperation element.
 7. Land use element.
 8. Implementation element.
- d. Comprehensive Plan Adoption.
1. The Commission shall create and adopt the Comprehensive Plan in accordance with Wisconsin State planning laws (§66.1001).
 2. The Comprehensive Plan adopted under this subsection shall be updated no less than once every 10 years in accordance with Wisconsin State planning laws (§66.1001).
- e. Comprehensive Plan Amendments.
1. Applicability. The criteria and requirements of this section shall apply to all applications or proposals for changes to the comprehensive plan text, goals, objectives, policies, map designations, or other map changes unless specifically exempted. The following types of comprehensive plan amendments may be considered through the comprehensive plan amendment process:
 - (i) Future Land Use map changes including land use and growth boundaries;
 - (ii) Minor technical Future Land Use map corrections;
 - (iii) Future Land Use or other text changes;
 - (iv) Changes or corrections to other maps within the plan;
 - (v) The amendment or adoption of the Utilities and Community Facilities element of the comprehensive plan that occurs concurrently with the adoption or amendment of the city budget; and,
 - (vi) Amendments necessary to address an emergency situation.
 2. Procedure.
 - (i) In November of each year, the Community Development Department shall publish notice in the official city newspaper to announce the City of Menasha Comprehensive Plan amendment process is open to accepting applications. At that time, the Community Development Department will invite public comments and suggestions regarding changes to the comprehensive plan.
 - (ii) Applications for all comprehensive plan amendments shall be considered legislative actions and be subject to the procedures in this section.
 - (iii) Applicants proposing Future Land Use Map

- changes must schedule a pre-application meeting with staff.
- (iv) Applications shall be submitted to the Community Development Department in writing by the last working day of December in order to be considered during the annual review process.
 - (v) A fee established by the Common Council must accompany the following changes:
 - a. Future Land Use map changes including land use and growth boundaries;
 - b. Future Land Use or other text changes;
 - (vi) Two public hearings shall be scheduled and held: an informal public hearing before the Plan Commission and a formal public hearing before the Common Council. They shall be noticed as follows:
 - Informal Public Hearing. For all amendments, a Class One (1) notice shall be published in the official city newspaper at least seven (7) days prior to the informal public hearing. Additionally, for amendments specific to a property or properties, property owners within one hundred feet (100ø) of the subject property or properties shall be notified by first class mail at least seven (7) days prior to the hearing.
 - Formal Public Hearing. For all amendments, a Class One (1) notice shall be published in the official city newspaper at least thirty (30) days prior to the formal public hearing. Additionally, for amendments specific to a property or properties, property owners within one hundred feet (100ø) of the subject property or properties shall be notified by first class mail at least thirty (30) days prior to the hearing. Said notice may be sent together with the notice for the informal public hearing.
 - (vii) The Plan Commission shall, by resolution (§66.1001(4)(b)), make a recommendation to the Common Council within thirty (30) days of the date of the review meeting or the Common Council may take action without it.
 - (viii) The Common Council shall have the authority to approve or deny the proposed amendment(s). Amendments may not take effect until the Common

Council enacts an ordinance that adopts the amendment(s) (§66.1001(4)(c)).

- (ix) Copies of the adopted amendment(s) shall be sent to the reviewing authorities as required by State of Wisconsin planning law (§66.1001) within 30 days of adoption.

3. Submittal Requirements. All requests for comprehensive plan amendments shall be made in writing, using forms supplied by the Community Development Department, and shall include the information listed below. The Department of Community Development, Plan Commission and/or the Common Council may require additional information be submitted before taking action.

- (i) Future Land Use map amendments:
 - Completed application form, signed by the applicant or owner.
 - Property map showing adjacent properties and clearly outlining the subject parcel(s).
 - Where the property is not owned by the applicant, a letter from the owner giving consent to apply for the comprehensive plan amendment.
- (ii) A description of the purpose of the comprehensive plan amendment.
- (iii) Justification and support for the proposed map amendment.
- (iv) All other amendments:
- (v) Completed application form.

4. Approval Criteria.

- (i) Approval for Future Land Map Changes. To change a designation, the proposed Future Land Use map amendment must meet at least one of the following criteria listed below. Additional documentation may be needed to address the public facilities, needs, and services that may be necessary to support the proposed designation. Such services may include water, sanitary sewer, storm drainage, transportation (all modes), police and fire protection, and schools.
 - Respond to a substantial change in conditions beyond the property owner's control applicable to the area within which the subject property lies;
 - Better implement applicable comprehensive plan policies than the current map designation;
 - Correct an obvious mapping error;

- Address an identified deficiency in the Comprehensive Plan.
- (ii) Approval Criteria for Amendments to Text and Other Maps. To change text, including goals, objectives and policies, or any map other than the Future Land Use Map, the amendment must meet at least one of the criteria below:
- Better implement applicable comprehensive plan policies;
 - Correct errors;
 - Replace outdated data;
 - Address an opportunity for physical, economic, social or cultural improvement of the city.
- (iii) The comprehensive plan amendment(s) shall take into consideration the comprehensive plans adopted by neighboring communities, the East Central Wisconsin Regional Planning Commission, Calumet and Winnebago Counties, and relevant regional issues.
- (iv) Comprehensive plan text amendments and amendments to other maps within the plan shall be consistent with the State of Wisconsin comprehensive planning law (§66.1001).

SECTION 2: This ordinance shall become effective upon its passage and publication as provided by law.

Passed and approved this day of June, 2009.

Donald Merkes, Mayor

ATTEST:

Deborah A. Galeazzi, City Clerk

CITY OF MENASHA DISBURSEMENTS

Accounts Payable for 5/21/09-5/28/09 Checks # 21301-21461	\$ 720,022.68
Payroll Checks for 5/21/09-5/28/09	<u>179,293.84</u>
Total	\$ 899,516.52

**Gaps in the sequence of accounts payable check numbers may be caused by: voiding checks at the start of a new check run to set up printing of the checks correctly, having a large number of invoices on a particular vendor which causes the payment to be printed on more than one accounts payable check , incorrect alphabetizing of a vendor causing the accounts payable check to appear out of sequence or software/printer problems which result in accounts payable checks being printed incorrectly and needing to be discarded.

Menasha Employees Credit Union-Employee Deductions

Menasha Employees Local 1035-Union Dues

Menasha Employees Local 1035B-Union Dues

Wisconsin Support Collections-Child/Spousal Support

United Way-Employee Donations

AMT-Garnishments

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
21301	10	ACC PLANNED SERVICE INC			05/21/2009	100-0501-522.24-03	7,272.00 *	7,272.00
21302	14	ACCURATE SUSPENSION WAREH			05/21/2009	731-1022-541.30-18	52.56 *	52.56
21303	28	ALLIED GLOVE & SAFETY PRO			05/21/2009	731-1022-541.30-18	121.05	
					05/21/2009	100-0703-553.30-18	113.81	
							234.86 *	234.86
21304	48	APEX SOFTWARE			05/21/2009	100-0403-513.24-04	215.00 *	215.00
21305	58	ARING EQUIPMENT CO INC			05/21/2009	731-1022-541.38-03	113.10 *	113.10
21306	5	ASSOCIATED APPRAISAL CONS			05/21/2009	100-0402-513.21-09	4,775.00	
					05/21/2009	100-0402-513.30-11	10.41	
							4,785.41 *	4,785.41
21307	503	AT&T			05/21/2009	100-1001-514.22-01	100.42	
					05/21/2009	601-1020-543.22-01	275.00	
							375.42 *	375.42
21308	582	BATTERY HUB			05/21/2009	100-1016-543.30-18	46.25 *	46.25
21309	83	BERGSTROM			05/21/2009	731-1022-541.38-03	61.70	
					05/21/2009	731-1022-541.29-04	765.77	
							827.47 *	827.47
21310	87	BLUE PRINT SERVICE CO INC			05/21/2009	100-1002-541.30-18	808.52	
					05/21/2009	100-0301-523.30-18	250.00	
							1,058.52 *	1,058.52
21311	101	BROOKS TRACTOR			05/21/2009	731-1022-541.38-03	30.70 *	30.70
21312	111	CAREW CONCRETE & SUPPLY C			05/21/2009	100-1004-541.30-18	286.09 *	286.09
21313	128	CULLIGAN WATERCARE SERVIC			05/21/2009	100-1001-514.20-01	18.35	
					05/21/2009	731-1022-541.30-13	5.95	
					05/21/2009	100-1001-514.20-01	18.35	
					05/21/2009	731-1022-541.30-13	5.95	
							48.60 *	48.60
21314	141	DIGICORPORATION			05/21/2009	100-0304-562.29-01	50.58	
					05/21/2009	100-0000-134.00-00	6.58-	
							44.00 *	44.00

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
21315	152	FASTENAL COMPANY			05/21/2009	100-0703-553.30-18	8.69	
					05/21/2009	100-0703-553.30-18	34.25	
							42.94 *	42.94
21316	153	FERGUSON ENTERPRISES INC			05/21/2009	207-0707-552.24-03	79.34	
					05/21/2009	100-0703-553.24-03	244.32	
					05/21/2009	100-0703-553.24-03	137.41	
							461.07 *	461.07
21317	713	GLACKEN AND ASSOCIATES			05/21/2009	100-0801-521.34-03	735.00	
							735.00 *	735.00
21318	562	GOLD CROSS AMBULANCE SERV			05/21/2009	100-0801-521.34-02	810.00	
							810.00 *	810.00
21319	192	HOME DEPOT CREDIT SERVICE			05/21/2009	207-0707-552.24-03	16.96	
					05/21/2009	100-0703-553.24-03	147.03	
					05/21/2009	100-0703-553.24-03	27.46	
					05/21/2009	731-1022-541.24-03	724.93	
					05/21/2009	100-0703-553.24-03	25.10	
							941.48 *	941.48
21320	194	HORST DISTRIBUTING INC			05/21/2009	100-1002-541.30-18	33.95	
					05/21/2009	731-1022-541.38-03	14.47	
							48.42 *	48.42
21321	200	INFINITY TECHNOLOGY INC			05/21/2009	100-0403-513.30-15	1,287.58	
							1,287.58 *	1,287.58
21322	1	JULANE ZIELINSKI			05/21/2009	100-0802-521.30-18	22.81	
							22.81 *	22.81
21323	227	KRUEGER TRUE VALUE			05/21/2009	100-1001-514.30-13	14.82	
					05/21/2009	100-0601-551.30-13	17.09	
					05/21/2009	100-0701-533.24-03	24.68	
					05/21/2009	100-0706-561.29-05	271.82-	
					05/21/2009	100-0706-561.29-05	528.00	
							312.77 *	312.77
21324	229	KUNDINGER FLUID POWER INC			05/21/2009	731-1022-541.38-03	632.37	
							632.37 *	632.37
21325	172	L F GEORGE INC			05/21/2009	731-1022-541.38-03	307.69	
							307.69 *	307.69
21326	1	LAURA JOHN			05/21/2009	100-0000-441.25-00	13.00	
							13.00 *	13.00
21327	240	LEAGUE OF WISCONSIN MUNIC			05/21/2009	100-0405-513.34-02	20.00	
							20.00 *	20.00

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
21337	304	NORTH AMERICAN SALT CO			05/21/2009	100-1006-541.30-18	5,684.19 *	5,684.19
21338	312	OGDEN PLUMBING & HEATING			05/21/2009	100-0920-531.24-03	134.25 *	134.25
21339	317	PACKER CITY INTERNATIONAL			05/21/2009	731-1022-541.38-03	4.90	
					05/21/2009	731-1022-541.38-03	455.84	
					05/21/2009	731-1022-541.38-03	15.63	
					05/21/2009	731-1022-541.38-03	29.97	
					05/21/2009	731-1022-541.38-03	73.51	
					05/21/2009	731-1022-541.38-03	579.85 *	579.85
21340	319	PARTS ASSOCIATES INC			05/21/2009	731-1022-541.30-18	158.22 *	158.22
21341	322	PERSONNEL EVALUATION INC			05/21/2009	100-0801-521.21-06	220.00 *	220.00
21342	337	RED			05/21/2009	100-0801-521.19-03	64.95 *	64.95
21343	338	REDI-WELDING CO			05/21/2009	731-1022-541.30-18	201.70	
					05/21/2009	731-1022-541.30-18	210.50	
					05/21/2009	731-1022-541.30-18	412.20 *	412.20
21344	353	SCHILLER'S TREE SERVICE I			05/21/2009	100-0706-561.20-06	275.00 *	275.00
21345	386	TESCH CHEMICAL CO INC			05/21/2009	100-0704-552.30-13	68.96 *	68.96
21346	387	THEDACARE			05/21/2009	100-0801-521.21-05	110.40	
					05/21/2009	100-0801-521.21-05	55.20	
					05/21/2009	100-0801-521.21-05	165.60 *	165.60
21347	388	THEDACARE LABORATORIES			05/21/2009	100-0000-201.03-00	1,484.10 *	1,484.10
21348	395	TRADER PLUMBING			05/21/2009	100-0703-553.24-03	57.63 *	57.63
21349	399	UNIFIRST CORPORATION			05/21/2009	731-1022-541.20-01	99.66 *	99.66
21350	405	UNITED WAY FOX CITIES	PR0521		05/21/2009	100-0000-202.09-00	81.00 *	81.00
21351	410	US OIL CO INC			05/21/2009	731-1022-541.21-06	12.00 *	12.00

PREPARED 05/21/2009, 9:21:40
 PROGRAM: GM346L
 City of Menasha

ACCOUNTS PAYABLE CHECK REGISTER

ACCOUNTING PERIOD 2009/05
 REPORT NUMBER 26
 PAGE 5

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
21352	314	VEOLIA ES SOLID WASTE MID			05/21/2009	100-0000-123.00-00	107.00 *	107.00
21353	706	WATERS PLUMBING INC			05/21/2009	100-0704-552.82-01	9,676.00 *	9,676.00
21354	429	WAVERLY SANITARY DISTRICT			05/21/2009	100-0703-553.22-05	43.43 *	43.43
21355	114	WC INDUSTRIAL SUPPLY COMP			05/21/2009	731-1022-541.38-03	33.86 *	33.86
21356	431	WE ENERGIES			05/21/2009	100-0903-531.22-04	21.93	
					05/21/2009	100-0701-533.22-03	8.74	
					05/21/2009	100-0701-533.22-03	7.76	
					05/21/2009	100-0703-553.22-03	34.85	
					05/21/2009	100-0703-553.22-03	73.28 *	73.28
21357	440	WINNEBAGO COUNTY TREASURE			05/21/2009	100-0204-512.29-02	116.52	
					05/21/2009	100-0204-512.29-01	421.91	
					05/21/2009	100-0204-512.24-04	384.64	
					05/21/2009	100-1016-543.25-01	8,635.94	
					05/21/2009	100-1017-543.25-01	2,996.61	
					05/21/2009	266-1027-543.25-01	1,252.50	
					05/21/2009	100-0805-521.25-01	528.00	
					05/21/2009	100-0805-521.25-01	14,336.12 *	14,336.12
21358	476	WISCONSIN SUPPORT COLLECT			05/21/2009	100-0000-202.03-00	195.00 *	195.00
21359	476	WISCONSIN SUPPORT COLLECT	PRO521		05/21/2009	100-0000-202.03-00	515.23	
			PRO521		05/21/2009	100-0000-202.04-00	138.40	
			PRO521		05/21/2009	100-0000-202.03-00	711.92	
							1,365.55 *	1,365.55
21360	581	WM RECYCLE AMERICA			05/21/2009	266-1027-543.21-06	34.84	
					05/21/2009	100-1001-514.20-01	42.06	
							76.90 *	76.90
21361	480	ZEP MANUFACTURING CO			05/21/2009	731-1022-541.30-18	129.99 *	129.99
							129.99 *	129.99
						BANK/CHECK TOTAL	176,220.07	176,220.07
						ALL BANKS/CHECKS TOTAL	176,220.07	176,220.07

ACCOUNTS PAYABLE CHECK REGISTER

PREPARED 05/26/2009, 11:40:52
 PROGRAM: GM346L
 City of Menasha

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
21362	29	ALL-SPORT TROPHY			05/26/2009	100-0601-551.30-16	125.90	125.90 *
21363	32	AMAZON			05/26/2009	100-0601-551.30-14	90.94	80.46
					05/26/2009	100-0601-551.30-14	55.97	66.96
					05/26/2009	100-0601-551.30-14	53.97	121.93
					05/26/2009	100-0601-551.30-14	9.99	1.00-
					05/26/2009	100-0601-551.30-14	1.00-	1.00-
					05/26/2009	100-0601-551.30-14	8.99-	1.00-
					05/26/2009	100-0601-551.30-14	1.00-	467.23 *
21364	74	BAKER & TAYLOR INC			05/26/2009	100-0601-551.30-14	33.20-	VOIDED
21365	74	BAKER & TAYLOR INC			05/26/2009	100-0601-551.30-14	11.89	VOIDED
21366	74	BAKER & TAYLOR INC			05/26/2009	100-0601-551.30-14	37.52	
					05/26/2009	100-0601-551.30-14	15.06	
					05/26/2009	100-0601-551.30-14	25.97	
					05/26/2009	100-0601-551.30-14	27.64	
					05/26/2009	100-0601-551.30-14	17.96	
					05/26/2009	100-0601-551.30-14	107.80	
					05/26/2009	100-0601-551.30-14	40.30	
					05/26/2009	100-0601-551.30-14	17.96	
					05/26/2009	100-0601-551.30-14	40.99	
					05/26/2009	100-0601-551.30-14	21.56	
					05/26/2009	100-0601-551.30-14	55.49	
					05/26/2009	100-0601-551.30-14	57.53	
					05/26/2009	100-0601-551.30-14	17.99	
					05/26/2009	100-0601-551.30-14	37.38	
					05/26/2009	100-0601-551.30-14	172.72	
					05/26/2009	100-0601-551.30-14	320.93	
					05/26/2009	100-0601-551.30-14	184.39	
					05/26/2009	100-0601-551.30-14	407.52	
					05/26/2009	100-0601-551.30-14	352.32	
					05/26/2009	100-0601-551.30-14	518.11	
					05/26/2009	100-0601-551.30-14	196.15	
					05/26/2009	100-0601-551.30-14	252.82	
					05/26/2009	100-0601-551.30-14	179.96	
					05/26/2009	100-0601-551.30-14	163.42	
					05/26/2009	100-0601-551.30-14	403.84	
					05/26/2009	100-0601-551.30-14	603.54	
					05/26/2009	100-0601-551.30-14	419.34	
					05/26/2009	100-0601-551.30-14	690.99	
					05/26/2009	100-0601-551.30-14	273.29	
					05/26/2009	100-0601-551.30-14	353.07	

ACCOUNTS PAYABLE CHECK REGISTER

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
21366	74	BAKER & TAYLOR INC			05/26/2009	100-0601-551.30-14	95.89 6,088.14 *	6,088.14
21367	95	BOUREGY & CO INC, THOMAS			05/26/2009	100-0601-551.30-14	139.50 139.50 *	139.50
21368	707	BRILLIANCE AUDIO INC			05/26/2009	100-0601-551.30-14	315.03 315.03 *	315.03
21369	115	CDW GOVERNMENT INC			05/26/2009	100-0601-551.30-18	71.66 71.66 *	71.66
21370	708	CEMAN, KATHY			05/26/2009	100-0601-551.30-16	81.91 81.91 *	81.91
21371	138	DEMCO INC			05/26/2009	100-0601-551.30-18	66.62 66.62 *	66.62
21372	166	GALE			05/26/2009	100-0601-551.30-14	38.93 38.93 *	38.93
21373	170	GANNETT WISCONSIN MEDIA			05/26/2009	100-0601-551.30-14	200.34 200.34 *	200.34
21374	529	HARDGINSKI, ANN			05/26/2009	100-0601-551.33-01	24.75 24.75 *	24.75
21375	709	HIGHSMITH			05/26/2009	100-0601-551.30-18	189.00 727.70 157.30 1,074.00 *	1,074.00
21376	572	INGRAM LIBRARY SERVICES			05/26/2009	100-0601-551.30-14	62.54 17.11 16.67 48.69 16.51 35.66 35.76 32.01 33.01 11.38 15.68 34.28 30.63 16.64 406.57 *	406.57
21377	220	KITZ & PFEIL INC			05/26/2009	100-0601-551.24-03	3.86 11.69 7.62	11.69

ACCOUNTS PAYABLE CHECK REGISTER

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
21377	220	KITZ & PFEIL INC			05/26/2009	100-0601-551.30-13	47.68	
					05/26/2009	100-0601-551.30-13	35.35	
					05/26/2009	100-0601-551.30-13	7.18	113.38 *
21378	577	LIBRARY STORE INC			05/26/2009	100-0601-551.30-18	22.11	22.11 *
21379	249	MANDERFIELD BAKERY			05/26/2009	100-0601-551.30-16	20.20	
					05/26/2009	100-0601-551.34-03	13.95	
							34.15 *	34.15
21380	618	MARSHALL CAVENDISH CORP			05/26/2009	100-0601-551.30-14	267.65	267.65 *
21381	277	MIDWEST TAPE			05/26/2009	100-0601-551.30-14	79.94	
					05/26/2009	100-0601-551.30-14	71.97	
					05/26/2009	100-0601-551.30-14	12.99	
							164.90 *	164.90
21382	309	OFFICE DEPOT CREDIT PLAN			05/26/2009	100-0601-551.30-10	399.90	399.90 *
21383	501	PIGGLY WIGGLY MIDWEST LLC			05/26/2009	100-0601-551.30-16	52.92	52.92 *
21384	619	QUALITY BOOKS INC			05/26/2009	100-0601-551.30-14	68.66	
					05/26/2009	100-0601-551.30-14	132.67	
							201.33 *	201.33
21385	574	RANDOM HOUSE INC			05/26/2009	100-0601-551.30-14	72.00	
					05/26/2009	100-0601-551.30-14	312.00	
					05/26/2009	100-0601-551.30-14	32.00	
					05/26/2009	100-0601-551.30-14	144.00	
					05/26/2009	100-0601-551.30-14	64.00	
					05/26/2009	100-0601-551.30-14	112.00	
							736.00 *	736.00
21386	569	RHYME BUSINESS PRODUCTS			05/26/2009	100-0601-551.30-10	34.98	34.98 *
21387	710	SAECKER, TASHA			05/26/2009	100-0601-551.33-01	327.80	327.80 *
21388	357	SEEFELDT, KRISTIN			05/26/2009	100-0601-551.33-01	20.79	
					05/26/2009	100-0601-551.34-03	5.98	
							26.77 *	26.77
21389	630	TAYLOR, VANESSA			05/26/2009	100-0601-551.34-01	118.80	
					05/26/2009	100-0601-551.34-02	80.00	
					05/26/2009	100-0601-551.34-03	92.00	

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
21389	630	TAYLIR, VANESSA					290.80 *	290.80
21390	401	UNIQUE MANAGEMENT SERVICE			05/26/2009	100-0000-441.19-00	286.40 286.40 *	286.40
21391	622	WINNEFOX LIBRARY SYSTEM			05/26/2009	100-0601-551.30-11	1,184.00	
					05/26/2009	100-0601-551.30-14	35.00	
							1,219.00 *	1,219.00
BANK/CHECK TOTAL							13,278.67	13,278.67
ALL BANKS/CHECKS TOTAL							13,278.67	13,278.67

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
21392	714	A-1 ELEVATOR SALES & SERV			05/28/2009	100-0801-521.24-03	175.00	175.00
21393	10	ACC PLANNED SERVICE INC			05/28/2009	731-1022-541.24-03 100-0920-531.24-03	59.80 14.80	74.60
21394	22	AFFINITY OCCUPATIONAL HEA			05/28/2009	100-0202-512.21-05 100-0202-512.21-05 100-0202-512.21-05	101.00 119.00 945.00	1,165.00
21395	24	AIRGAS NORTH CENTRAL			05/28/2009	731-1022-541.24-02 731-1022-541.30-18 100-0703-553.30-18	57.60 48.53 34.20	140.33
21396	1	AMY COMPTON			05/28/2009	100-0000-441.24-00	16.00	16.00
21397	66	ATSSA			05/28/2009	100-1002-541.32-02	70.00	70.00
21398	71	BADGER LAB & ENGINEERING			05/28/2009	601-1020-543.21-02	280.00	280.00
21399	80	BECK ELECTRIC INC			05/28/2009	100-0703-553.24-03 100-0703-553.24-03 100-1008-541.24-04 100-1019-552.24-04 100-0501-522.24-03 100-0801-521.24-03	237.83 120.00 64.00 144.00 32.20 32.20	630.23
21400	102	BRUCE MUNICIPAL EQUIPMENT			05/28/2009	731-1022-541.38-03	361.87	361.87
21401	103	BUBRICK'S			05/28/2009	100-0801-521.30-10 731-1022-541.30-10 100-0703-553.30-10	206.00 11.09 11.08	228.17
21402	115	CDW GOVERNMENT INC			05/28/2009	100-0903-531.30-12	9.84	9.84
21403	120	COMMUNITY HOUSING COORDIN			05/28/2009	100-0304-562.21-06	1,800.00	1,800.00
21404	561	CONTRACTING SPECIALISTS I			05/28/2009	828-0000-465.00-00	28,300.00	28,300.00

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
21405	131	CWAG			05/28/2009	100-0920-531.32-01	25.00 *	25.00
21406	141	DIGICORPORATION			05/28/2009	100-0702-552.29-01	51.00 *	51.00
21407	147	DUMKE & ASSOCIATES &			05/28/2009	100-0903-531.29-06	2,977.75 *	2,977.75
21408	651	EAGLE SUPPLY & PLASTICS I			05/28/2009	100-0703-553.29-01	330.75 *	330.75
21409	715	EAU CLAIRE COUNTY CLERK O			05/28/2009	100-0000-201.03-00	300.00 *	300.00
21410	149	ELAN CARDMEMBER SERVICE			05/28/2009	100-0706-561.30-18	223.84	VOIDED
21411	149	ELAN CARDMEMBER SERVICE			05/28/2009	100-0703-553.30-18	15.72	VOIDED
21412	149	ELAN CARDMEMBER SERVICE			05/28/2009	100-0501-522.24-03	10.92	VOIDED
					05/28/2009	100-0601-551.30-13	26.24	
					05/28/2009	100-1001-514.24-03	39.50	
					05/28/2009	100-0403-513.34-04	12.95	
					05/28/2009	100-0801-521.34-03	37.70	
					05/28/2009	100-0801-521.34-03	50.67	
					05/28/2009	100-0801-521.34-03	24.14	
					05/28/2009	100-0801-521.34-03	12.67	
					05/28/2009	100-0801-521.29-05	30.35	
					05/28/2009	100-0801-521.34-03	229.08	
					05/28/2009	100-0801-521.34-03	31.82	
					05/28/2009	100-0801-521.30-18	666.94	
					05/28/2009	100-0801-521.34-03	29.80	
					05/28/2009	100-0801-521.34-03	41.84	
					05/28/2009	100-0801-521.34-03	92.00	
					05/28/2009	100-0801-521.34-03	92.00	
					05/28/2009	100-0801-521.34-03	29.27	
					05/28/2009	100-0801-521.34-03	323.14	
					05/28/2009	100-0801-521.34-03	84.94	
					05/28/2009	100-0801-521.30-18	136.94	
					05/28/2009	100-0802-521.20-02	60.34	
					05/28/2009	100-0801-521.34-03	136.57-	
					05/28/2009	100-0801-521.34-03	136.57-	
					05/28/2009	100-0601-551.30-16	40.48	
					05/28/2009	100-0601-551.30-11	85.00	
					05/28/2009	100-0702-552.30-18	17.99	
					05/28/2009	100-0702-552.30-18	21.68	
					05/28/2009	100-0101-511.33-03	46.53	
					05/28/2009	100-0101-511.34-03	48.61	
					05/28/2009	100-0702-552.30-18	50.32	
						2,340.28	*	2,340.28

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21413	3	FAMILY THERAPY & ANXIETY			05/28/2009	100-0801-521.21-05	472.50	472.50
21414	154	FERRELLGAS			05/28/2009	266-1027-543.21-06	80.85	80.85
21415	161	FOX VALLEY HUMANE ASSOCIA			05/28/2009	100-0806-532.25-01	1,569.64	1,569.64
21416	173	GERMANIA HALL			05/28/2009	827-0920-531.30-18	994.92	994.92
21417	716	GREENE PHD SC, PAUL M			05/28/2009	100-0202-512.21-05	1,000.00	1,000.00
21418	183	GUNDERSON UNIFORM & LINEN			05/28/2009	100-0801-521.30-13	32.44	32.44
21419	193	HORN PRECAST			05/28/2009	601-1020-543.30-18	348.00	348.00
21420	208	INTERSTATE BATTERY OF GRE			05/28/2009	625-1010-541.30-18	350.00	350.00
21421	209	IOD INCORPORATED			05/28/2009	100-1001-514.20-04	698.00	698.00
21422	224	KONE INC			05/28/2009	100-0801-521.21-06	230.49	230.49
21423	230	KUSTOM SIGNALS INC			05/28/2009	100-1001-514.20-04	230.49	230.49
21424	603	MARGARET CHARBONNEAU			05/28/2009	100-0801-521.29-04	122.00	122.00
21425	255	MATTHEWS TIRE & SERVICE C			05/28/2009	731-1022-541.38-02	51.89	51.89
21426	267	MENASHA EMPLOYEES CREDIT	PR0528		05/28/2009	100-0000-202.05-00	51.89	51.89
21427	269	MENASHA EMPLOYEES LOCAL 1	PR0528		05/28/2009	100-0000-202.06-00	2,150.00	2,150.00
21428	271	MENASHA JOINT SCHOOL DIST			05/28/2009	100-0000-412.00-00	310.00	310.00
21429	445	MENASHA PARK & RECREATION			05/28/2009	100-0000-103.08-00	5,935.18	5,935.18
							350.00	350.00

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CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
21430	446	MENASHA POLICE DEPARTMENT			05/28/2009	100-0801-521.30-11	50.98	
					05/28/2009	100-0801-521.30-18	12.50	
					05/28/2009	100-0801-521.34-04	8.50	
					05/28/2009	100-0801-521.34-03	111.04	
							183.02	183.02
21431	447	MENASHA POOL			05/28/2009	100-0000-103.08-00	680.00	
							680.00	680.00
21432	450	MENASHA PUBLIC WORKS FACI			05/28/2009	266-1028-543.30-11	58.80	
					05/28/2009	731-1022-541.30-18	8.40	
							67.20	67.20
21433	266	MENASHA UTILITIES			05/28/2009	100-1012-541.22-03	69.13	
					05/28/2009	100-1013-541.22-06	51.18	
					05/28/2009	100-0305-562.22-06	43.87	
					05/28/2009	100-1014-543.22-06	16.25	
					05/28/2009	100-0703-553.22-06	25.17	
							205.60	205.60
21434	286	MORTON SAFETY			05/28/2009	601-1020-543.30-18	114.48	
					05/28/2009	731-1022-541.30-18	33.00	
					05/28/2009	100-0702-552.30-18	31.35	
					05/28/2009	100-0702-552.30-18	15.00	
							193.83	193.83
21435	2	M&M AUTO SUPPLY			05/28/2009	731-1022-541.38-03	3.98	
					05/28/2009	731-1022-541.38-03	50.28	
					05/28/2009	731-1022-541.30-18	98.59	
					05/28/2009	731-1022-541.38-03	22.28	
					05/28/2009	731-1022-541.38-03	4.78	
							179.91	179.91
21436	295	NEENAH-MENASHA MUNICIPAL			05/28/2009	100-0000-201.03-00	125.20	
					05/28/2009	100-0000-201.03-00	134.00	
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					05/28/2009	100-0000-201.03-00	134.00	

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CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
21437	296	NEENAH-MENASHA SEWERAGE C			05/28/2009	100-0501-522.25-01	70,923.97	70,923.97
21438	492	NEENAH, CITY OF			05/28/2009	100-0501-522.25-01	241,716.00	241,716.00
21439	299	NETWORK HEALTH PLAN			05/28/2009	100-0000-204.11-00	120,573.18	120,573.18
					05/28/2009	100-0000-204.11-00	8,552.75	8,552.75
					05/28/2009	100-0000-201.13-00	129,125.93	129,125.93
21440	310	OFFICE DEPOT			05/28/2009	100-0304-562.30-10	12.55	12.55
					05/28/2009	100-0702-552.30-10	39.34	39.34
					05/28/2009	100-0920-531.30-11	49.81	49.81
					05/28/2009	100-0000-201.13-00	33.95	33.95
							135.65	135.65
21441	317	PACKER CITY INTERNATIONAL			05/28/2009	731-1022-541.38-03	76.09	76.09
					05/28/2009	731-1022-541.38-03	45.98	45.98
							122.07	122.07
21442	501	PIGGLY WIGGLY MIDWEST LLC			05/28/2009	827-0920-531.30-18	264.48	264.48
					05/28/2009	827-0920-531.30-18	53.55	53.55
					05/28/2009	827-0920-531.30-18	33.96	33.96
							351.99	351.99
21443	340	REINDERS INC			05/28/2009	100-0703-553.30-18	600.27	600.27
					05/28/2009	100-1003-541.30-18	216.00	216.00
					05/28/2009	100-1009-541.30-18	135.00	135.00
					05/28/2009	100-1006-541.30-18	135.00	135.00
					05/28/2009	731-1022-541.38-03	232.92	232.92
					05/28/2009	731-1022-541.38-03	72.40	72.40
					05/28/2009	731-1022-541.38-03	56.86	56.86
					05/28/2009	731-1022-541.38-03	53.22	53.22
							1,501.67	1,501.67
21444	603	RYAN BORUCKI			05/28/2009	601-1020-543.21-02	650.00	650.00
							650.00	650.00
21445	68	SANOFI PASTEUR INC			05/28/2009	100-0903-531.30-18	52.10	52.10
21446	349	SCHABACH, DIANE			05/28/2009	207-0707-552.21-06	11,475.00	11,475.00
21447	456	SHOBERG, TERESA			05/28/2009	100-0903-531.21-05	150.00	150.00
21448	380	SUNGARD PUBLIC SECTOR INC			05/28/2009	100-0403-513.24-04	2,327.00	2,327.00
							2,327.00	2,327.00
21449	399	UNIFIRST CORPORATION			05/28/2009	731-1022-541.20-01	132.00	132.00
							132.00	132.00

PREPARED 05/28/2009, 14:16:22
 PROGRAM: GM346L
 City of Menasha

ACCOUNTS PAYABLE CHECK REGISTER

ACCOUNTING PERIOD 2009/05
 REPORT NUMBER 28
 PAGE 6

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC./RETAIN)	CHECK TOTAL
21450	403	UNITED PAPER CORPORATION			05/28/2009	100-1001-514.30-10	629.00	629.00
21451	421	VISION INSURANCE PLAN OF			05/28/2009	100-0000-204.10-00	1,079.30	1,079.30
21452	114	WC INDUSTRIAL SUPPLY COMP			05/28/2009	731-1022-541.38-03	17.20	17.20
21453	431	WE ENERGIES			05/28/2009	100-0703-553.22-04	109.45	
					05/28/2009	100-0000-123.00-00	847.14	
					05/28/2009	100-1001-514.22-04	716.03	
					05/28/2009	100-0801-521.22-04	1,169.86	
					05/28/2009	100-0920-531.22-04	101.83	
					05/28/2009	100-0601-551.22-04	1,868.84	
					05/28/2009	100-0703-553.22-04	425.61	
					05/28/2009	100-0704-552.22-04	138.86	
					05/28/2009	207-0707-552.22-04	42.69	
					05/28/2009	731-1022-541.22-04	1,987.97	
					05/28/2009	100-0703-553.22-04	1,394.71	
							7,802.99	7,802.99
21454	432	WERNER ELECTRIC SUPPLY CO			05/28/2009	100-0703-553.24-02	124.30	124.30
21455	433	WEST PAYMENT CENTER			05/28/2009	100-0201-512.32-02	107.29	107.29
21456	438	WINNEBAGO COUNTY CLERK OF			05/28/2009	100-0000-201.03-00	150.00	
					05/28/2009	100-0000-201.03-00	150.00	
					05/28/2009	100-0000-201.03-00	650.00	
					05/28/2009	100-0000-201.03-00	235.00	
							1,185.00	1,185.00
21457	460	WISCONSIN DEPT OF ADMINIS			05/28/2009	100-0301-523.30-18	753.00	753.00
21458	462	WISCONSIN DEPT OF JUSTICE			05/28/2009	100-0801-521.21-06	10.00	10.00
21459	463	WISCONSIN DEPT OF NATURAL			05/28/2009	100-0703-553.32-01	30.00	30.00
21460	476	WISCONSIN SUPPORT COLLECT	PRO528		05/28/2009	100-0000-202.03-00	515.23	
			PR0528		05/28/2009	100-0000-202.04-00	138.40	
							653.63	653.63
21461	718	WREATH FACTORY FOX CITIES			05/28/2009	100-0703-553.30-10	769.76	769.76
BANK/CHECK TOTAL							530,723.94	530,723.94

PREPARED 05/28/2009, 14:16:22
 PROGRAM: GM346L
 City of Menasha

ACCOUNTS PAYABLE CHECK REGISTER

PAGE 7
 ACCOUNTING PERIOD 2009/05
 REPORT NUMBER 28

 CHECK NO VENDOR NO VENDOR NAME VOUCHER NO P.O. NO DATE ACCOUNT REMITTANCE AMOUNT
 (NET OF DISC/RETAIN) CHECK TOTAL

ALL BANKS/CHECKS TOTAL 530,723.94 530,723.94



May 28, 2009

To: Common Council
From: Debbie Galeazzi, Clerk

Subject: Liquor License Applications, July 1, 2009-June 30, 2010

Renewal applications to deal in intoxicating liquor and/or fermented malt beverages for the July 1, 2009-June 30, 2010 licensing period have been filed:

CLASS "A" MALT

Quality State Oil Co., Inc., 2201 Calumet Dr., (Qmart #220) 1515 Appleton Rd.
Sheboygan, 53083, Emily Hein/Agent
Valley Petroleum, LLC, 1320 Oak Creek Dr., Green Bay 54313 (Southsider Citgo) 1490 S. Oneida, Appleton
Steve Rosek/Agent
Van Zeeland Oil Co., Inc., PO Box 7777, Appleton 54912 (Midway Marathon) 1492 Appleton Rd.
Todd Van Zeeland/Agent

CLASS "B" MALT

St. John the Baptist Catholic Church, 628 – Fifth Street, Menasha Lois Zelinski-Henkell/Agent
St. Patrick's Parish, 324 Nicolet Blvd, Menasha, David DeSalvo/Agent
Get Reel, Inc., 400 Third Street, Menasha, Vicki Radue/Agent (Fox Cinema) 400 3rd St.

"CLASS A" LIQUOR AND MALT

Doris A. Szymanski, 701 Keyes, Menasha 54952 (Club Liquor) 234 Main
Piggly Wiggly Midwest LLC., 2215 Union Ave. (Piggly Wiggly Supermarket #24)
Sheboygan 53082 John Braunreiter/Agent 1151 Midway Road
Kwik Trip, Inc, 1626 Oak Street, LaCrosse, 54602 Kwik Trip #743, 1870 USH 10/114
Sonja A. Nolay/Agent
Stop N Go LLC, 1033 Manitowoc Road, Menasha (Stop N Go LLC) 1200 Plank Rd
Kamaljit Gill/Agent
U.S. Oil Co., Inc., 425 S. Washington, Combined Locks 54113 (Express Convenience Centers) 700 3rd St.
Jim Anholzer/Agent
Wisconsin CVS Pharmacy, LLC, 1 CVS Dr., #23062A (CVS Pharmacy #5186), 1485 Oneida St,
Woonsocket, RI 02895, Amy Lynn Wandenhogen-Brunn/Agent Appleton 54915

"CLASS B" LIQUOR AND MALT

Paul C. Beck, 422 6th St., Menasha (Beck's Home Plate) 422 6th St.
Andrew J. Brodzinski, 1027 Brighton Dr. Menasha (Fish Fry Tavern) 528 Milwaukee
Patricia J. Kersten, 10 Tayco, Menasha (Pat's Legend Inn) 10 Tayco
Jean Redlin, 2340 Strobe Island Dr., Appleton 54914 (The Redliner) 977 Plank Rd.
David Seidl, 8879 Pioneer Rd., Larsen 54947 (City Limits) 544 – 4th
Thomas J. Siegel, 1221 Beechwood Ln, Menasha (Tony's Bar) 212 Manitowoc
Steven C. Szymanski, 361 Elm St. Menasha (Club Tavern) 56 Racine
BDD&G Holdings of Appleton, 320 Chute Street, Menasha (Germania Hall) 320 Chute St
Lori Mashiak/Agent
The Bar at Lake Park, LLC, 890 Lake Park Rd, Menasha (Sliders Bar & Grill), 890 Lake Park Rd
Michael T. Reader/Agent (R)
Castillo, LLC, 503 Riverway, Saul Castillo/Agent (Salsa Bar) 6 Tayco
Franky's of Menasha, LLC, 200 Main St., Frank Prokash/Agent (Franky's), 200 Main St.

140 Main Street • Menasha, Wisconsin 54952-3151 • (920) 967-5117 • Fax (920) 967-5273

www.cityofmenasha-wi.gov

“CLASS B” LIQUOR AND MALT (Cont'd)

Hanks Fifth Ward Tavern, Inc., 3524 County Rd A, Oshkosh 54901 Dawn M. Van Vonderen/Agent	(Hank's Tavern) 600 Broad St.
Hot Brass, LLC, 800 Plank Rd., Frederick Schroeder/Agent	(The Locker Room) 800 Plank Rd.
Hotel Pub, LLP, Thomas P. Theisen, 177 Main, #212 and Brian K. Ritchie, 514 N. Meade, Appleton 54915	(Hotel Pub) 177 Main St.
Jitter's Bar, LLC, 104 River St, Kaukauna Peter Kemps/Agent	(Jitters Lounge) 23 Main St.
Juanita's Hacienda Inc, 190 Main St., Juana M. Bevers/Agent	(Korona Klub), 190 Main St.
Lake Park Swim & Fitness, 730 Lake Park Rd., Menasha Megan Collins/Agent (R)	(Lake Park Swim & Fitness) 730 Lake Park Road
M N S Corp., 332 Ahnaip, Matteo Sollena/Agent	(Luigi's Pizza & Pasta) 332 Ahnaip St.
Menasha Grill, Inc., 204 Main St., Martha Cross/Agent	(Menasha Grill) 204 Main St.
Mr. Steak of Menasha, Inc., 3341 S. Oneida St, Appleton Robert A. John/Agent	(B.J. Clancy's) 3341 S. Oneida St, Appleton
Nauts Landing, Inc., 124 Main St., Richard E. Brey/Agent	(Nauts Landing) 124 Main St.
Neenah-Menasha Elks Lodge #676 of B.P.O.E., 328 Nicolet Blvd., Robert Green/Agent (R)	(Neenah-Menasha Elks Lodge #676) 328 Nicolet Blvd.
Neenah-Menasha K of C Building Assn., 746 – 3 rd , H. Dale Berken/Agent	(Knights of Columbus) 746 – 3 rd
Old Grog, Inc., 209 Dakota Grove St., Paul M. Ehrlicke/Agent	(The Old Grog) 546 Broad St.
Ramsey & Ramsey, Inc., 2 Tayco, Kathleen Bayer/Agent	(R & R Bar) 2 Tayco
Solea Mexican Grill, LLC, 705 Appleton Rd, Menasha Eduardo Sanchez/Agent	(Solea Mexican Grill) 705 Appleton Rd.
Stone Toad Inc, 1109 S. Oneida Rd., Jennifer Weinandt/Agent	(Stone Toad Bar-Grill) 1109 S. Oneida Rd.
Wiseguys Pizzeria & Pub LLC, 1440 S. Oneida Street, Menasha Brenda Jorgensen/Agent (R)	(Wiseguys Pizzeria & Pub), 1440 S. Oneida Rd

(R) – Reserve “Class B” Liquor and Malt

The Police Dept. has done a background check on all of the above mentioned applicants and has no reason to withhold any license based on their findings.

All necessary inspections by the Fire Dept., Health Dept., and Building Inspectors have been completed and all the above listed properties are compliant. They recommend approving the renewal of all the applicants listed.

On advice from legal counsel and Dept. of Revenue, it is recommended to defer action on Ramsey & Ramsey, Inc. We will be scheduling a Due Process hearing on June 15.

Staff is recommending deferring action on the following applications for unpaid financial claims of the City:

- 1) Fox Cinema,
 - 2) Hot Brass, LLC,
 - 3) Juanita's Hacienda Inc,
 - 4) Wiseguys Pizzeria & Pub LLC,
 - 5) Paul C. Beck,
 - 6) Menasha Grill,
 - 7) Lake Park Swim & Fitness,
 - 8) Piggly Wiggly Midwest LLC
- A verbal report will be given on June 1 on any applicant that has paid all their financial obligations.



May 28, 2009

To: Common Council

From: Debbie Galeazzi, Clerk

Subject: Outdoor Alcoholic Beverage Service, July 1, 2009-June 30, 2010

In accordance with Section 7-2-17 of City of Menasha Municipal Code, the following have submitted an application for extension of %Class B+, license for the July 1, 2009-June 30, 2010 licensing period requesting outdoor serving of alcoholic beverage on a deck/patio.

- 1) Hot Brass, LLC, 800 Plank Rd., Frederick Schroeder/Agent
d/b/a The Locker Room 800 Plank Rd.
- 2) Nauts Landing, Inc., 124 Main St., Richard E. Brey/Agent
- 3) Stone Toad Inc, 1109 S. Oneida Rd., Jennifer Weinandt/Agent
- 4) Wiseguys Pizzeria & Pub LLC, 1440 S. Oneida St., Brenda Jorgensen/ Agent

Staff is recommending deferring action on Hot Brass and Wiseguys Pizzeria & Pub until all unpaid financial claims of the City have been met.

DRAFT

HUNTON & WILLIAMS LLP
1900 K STREET, N.W.
WASHINGTON, D.C. 20006-1109

TEL 202 • 955 • 1500
FAX 202 • 778 • 2201

ANDREW R. KINTZINGER
DIRECT DIAL: 202-955-1837
EMAIL: akintzinger@hunton.com

FILE NO: 99999.000309

May 22, 2009

PRIVILEGED AND CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATION

Mayor Donald Merkes
City of Menasha, Wisconsin
140 Main Street
Menasha, Wisconsin 54952

Re: Representation of the City of Menasha Regarding Menasha Steam Utility

Dear Mayor Merkes:

Thank you for the opportunity for Hunton & Williams LLP to represent the City of Menasha, Wisconsin (the "City") in connection with its Steam Utility (the "Utility") and the financing for the Utility. This letter, and the accompanying Hunton & Williams Standard Terms of Engagement, will establish the terms of our representation. If we fail to address any issues about which you have questions, please let us know. Good communication is critical to the success of our relationship and we want you to be happy with our services.

THE CLIENT - WHOM WE REPRESENT

We will represent the City, including the Utility. You will be our primary contact, but you understand that we do not represent you individually. If you want us to represent any other persons or entities, please advise us and we will determine whether we can undertake that additional representation.

SCOPE OF ENGAGEMENT - WHAT WE WILL DO

You have engaged us to perform work for the City and its Utility in several areas relating to the financing and operation of the Utility and the financial status of the City. Specifically, we will provide counsel and related representation to the City and its Utility with respect to, and including:

Mayor Donald Merkes
City of Menasha, Wisconsin
May ____, 2009
Page 2

1. Review all matters pertaining to the City's outstanding revenue bond anticipation notes, note anticipation notes and general obligation promissory notes issued in connection with the Utility (collectively, the "Notes");
2. Review the Menasha Steam Utility Strategy Analysis and Recommendation (the "Report") prepared for the City by Stern Brothers & Co. (the "Consultant");
3. Advise and represent the City in connection with its dealings with holders of the outstanding Notes, as further described below;
4. Assist the City in connection with teleconference calls and meetings with holders of the Notes and their representatives regarding the status of the Notes, the Utility and the City;
5. Assist the City and Consultant in review of inventory of available City and Utility assets;
6. Assist the City in contacting State and Federal officials regarding financial assistance for the Utility, the City and in connection with the Notes;
7. Assist the City in connection with continuing disclosure notices to bondholders and to the bond market regarding with the Utility, the Notes and the City;
8. Advise the City on its obligations under Federal and State securities laws regarding disclosures pertaining to the Notes;
9. Advise and assist the City in creating post-closure funds and proper use of such funds with respect to the Notes;
10. Review and advise the City regarding restructuring of City debt in connection with the Utility and the Notes;
11. Advise the City and the Utility with respect to all pending or threatened claims, actions, proceedings or litigation against the City and its Utility,

Mayor Donald Merkes
City of Menasha, Wisconsin
May ____, 2009
Page 3

including from holders of Notes, steam customers/users of the Utility,
and including environmental compliance issues; and

12. Assist the City in connection with its options for, and its dealings related to, disposition of the utility steam plant, including potential conversion for future Utility operation, potential sale of the steam plant to a third-party purchaser for conversion or other closure alternatives.

If this does not accurately reflect your understanding about the scope of the legal services we will provide, please let me know. We will perform all services normally and reasonably associated with this type of engagement that are consistent with our ethical and professional obligations. As we proceed with this representation, if you request that we expand the scope of this engagement, and we agree to do so, this letter will cover that work as well.

LAWYERS AND OTHERS ASSIGNED - WHO WILL DO THE WORK

Douglas Lamb and Andrew Kintzinger will jointly coordinate the legal services for this representation. Mr. Kintzinger, in our Washington, DC office, will be the primary client contact. We will call upon other partners, associates, employees and paralegals whom we believe have the ability to serve you as efficiently and effectively as possible.

It is important to us that the City be satisfied with our services. We recognize that the City is facing complex financial challenges and is operating with a limited budget, and we will work closely with you to ensure that our work is performed in the most cost-effective manner possible. Please let us know promptly if you believe that we should staff the work differently or if you have any suggestions about how we can better serve the City.

FEES/EXPENSES/BILLING

[We recognize that cities ordinarily develop budgets for their legal fees. In an effort to afford the City that predictability and flexibility for a matter that is inherently unpredictable, we would like to propose a fee arrangement that allows the City to budget for our legal fees with a high degree of certainty.

Mayor Donald Merkes
City of Menasha, Wisconsin
May ____, 2009
Page 4

To protect both of us, as we broaden this relationship, we propose an over/under form of protection. To the extent we can do the work requested for less than your budget, you would keep 50% of the unused budget. To the extent we exceed the budget we would ask that you pay 50% of the excess. In other words, we will provide a monthly budgeted amount. To the extent that amount is exceeded, the City pays only the budgeted amount plus 50% of the excess, and if the budgeted amount is not exceeded, the City would pay the amount billed plus 50% of the difference between the billed amount and the budgeted amount. For each ensuing month, the budgeted amount would be set at the amount billed for the prior month. Each month, we will provide the City with prompt email or written notice when our time and expenses are within \$5,000.00 of that month's budgeted amount.

For the services described above, we propose an initial monthly budget amount of \$20,000, payable upon billing after the first month. After the first month, the monthly budget amount will be adjusted as described above. We would continue to track attorney time (using an hourly rate of \$425.00) and to send you regular monthly reports. Within 15 days after the end of each month, we will provide a billing report that compares the actual attorney fees incurred to the budget amount and includes a report to adjust the monthly budgeted amount for the ensuing month.]

[Alternatively, we will bill the City for lawyer services on an hourly basis at the rate of \$425.00 per hour and for paralegal services on an hourly basis at the rate of \$115.00 per hour.]

For the services described above, we may incur, at your request and with your permission, travel costs to the City. We will bill only actual, itemized air fare (coach), hotel and reasonable meal expenses. We agree that, regardless of actual costs, such travel costs shall not exceed \$1,000.00 in any month.

We are committed to providing you with efficient, effective legal services. In return, you agree to pay us timely for our services and to reimburse us for reasonable expenses in connection with the representation, regardless of the outcome. We will bill you for fees and expenses on a monthly basis. Our statements will be due and payable upon receipt. Please see the attached Standard Terms of Engagement for additional terms applicable to our bills and your payment obligations.

Mayor Donald Merkes
City of Menasha, Wisconsin
May ____, 2009
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CONFLICTS OF INTEREST

We depend on you to help us identify, now and as the representation progresses, persons, or entities that may be in a position directly adverse to the City's interests in this representation. We also depend on you to help us identify those who are likely to be adversely affected by our representation of the City. Please advise us of any change in the City's or Utility's status that might affect our analysis of actual or potential conflict of interests.

You have identified no adverse, or potentially adverse persons or entities. We have checked our records for potential conflicts. We have discovered no conflicts and we know of no other interests, including our own, that will materially and adversely affect our ability to exercise independent professional judgment on your behalf.

COMMUNICATIONS

Unless you tell us otherwise, we will send you all correspondence and statements for services related to this representation. We will depend on you to let us know if you are not receiving information or responses in a timely manner. We understand unless advised otherwise that we may communicate concerning this matter by fax, telephone, cell phone, e-mail, or letter.

If the terms of this letter are satisfactory, please sign a copy in the space provided, and return it to me. If you have any questions, please feel free to contact me. We appreciate the opportunity to represent the City.

Very truly yours,

Andrew R. Kintzinger

STATEMENT TO BE SIGNED BY CLIENT

I have read this letter and the accompanying Hunton & Williams LLP Standard Terms of Engagement. I understand their content, and hereby engage Hunton & Williams LLP in accordance with their terms and conditions on behalf of the City.

Agreed:

THE CITY OF MENASHA, WISCONSIN

By: _____

Title: Mayor

Date: May, 2009

Enclosures
Hunton & Williams "Standard Terms of Engagement"



May 27, 2009

The Honorable Don Merkes
Mayor
The City of Menasha
140 Main Street
Menasha, WI 54952

Mr. Charles Forrest
Stern Brothers & Co.
8000 Maryland Avenue
Suite 800
St. Louis, Missouri 63105

Re: Legal Services Regarding Restructuring of Menasha Steam Utility Obligations

Gentlemen:

Orrick is honored to be considered to represent The City of Menasha, Wisconsin (the “City”), and its owned public utility, the Menasha Steam Utility (“MU”), in connection with the possible closing of the Steam Utility Plant and the compromise or restructuring of outstanding obligations of the City related to MU. We understand the challenges that the City and MU face—both those presented by the broader economic environment and those specific to MU’s outstanding obligations.

The attached materials include a preliminary discussion of the considerations and options for the City in connection with MU and our suggestions on some of the immediate steps that the City may consider undertaking. This discussion is based on our preliminary research. We were just informed of the situation on Friday and are not in possession of all of the relevant material. We will develop and refine our thinking and recommendations based on further discussions with your team and analysis of the issues. We have also provided a short list of Orrick’s experience on related matters and an introduction to our proposed team. We would be happy to provide additional information regarding our experience and our firm.

Overview of Orrick

Orrick is a global law firm, founded in San Francisco in 1863. Our firm focuses on litigation, complex and novel finance and innovative corporate transactions. Orrick’s commitment to public finance stretches back to the founding of our firm. For the past two decades, our Public



The Honorable Don Merkes
Mr. Charles Forrest
May 27, 2009
Page 2

Finance Group has ranked number one in the country as bond counsel and as underwriter's counsel, averaging a combined market share of over 12 percent of all municipal debt obligations issued each year. Additionally, as you will see from the attached materials, Orrick is one of the few firms with established and well-regarded work-out experience directly related to restructuring municipal debt obligations, including, among others, representing the City of Detroit, Michigan; The City of Vallejo, California; the City of Half Moon Bay, California; and the City of Richmond, California, to name just a few (willing to be named). Our restructuring lawyers are known for delivering winning results, client-focused service and efficient strategies to clients involved in restructurings and insolvencies.

Orrick has a preliminary understanding of the City and its BANs and NANs related to the Steam Utility Plant based on our review of the relevant Official Statements.

Initially, we would expect our services to include the following: (i) participate (with bond counsel) in an analysis of the obligations and exposure of the City with respect to the BANs and NANs and with respect to operating or closing the Steam Utility Plant; (ii) discussions and meetings with the holders of the BANs and NANs (the "Holders") leading to negotiation of confidentiality agreements, standstill/forbearance agreements and restructuring/settlement agreements with the Holders and, to the extent required, other parties; (iii) assistance with the review of any Material Events Notices prepared by the City or its financial advisors or bond counsel; (iv) providing advice with respect to public statements made with respect to financial matters; (v) providing advice and strategy for communicating scope and potential solutions to financial crisis to the Common Council and the bond rating agencies; (vi) participating in the review and evaluation of other outstanding debt to determine whether the potential closing of the Steam Utility Plant, or a default or non-payment upon maturity of the revenue bonds will trigger any adverse events with respect to those obligations; (vii) advising the City of steps necessary to resolve issues created with respect to other debt obligations; and (viii) such other services related to the City's financial condition and restructuring as may be requested in writing, including fax (telecopier) or e-mail, by the City from time to time. Obviously, the precise scope of our services will depend on a number of factors, including the course of the negotiations with the Holders, the effect of any default or ratings downgrade on the City's other debt and the reaction of the other affected creditors, actions the City may take in response to any default or ratings downgrade and any involvement by the State Treasurer or the Governor in response to the City's solvency issues.

We understand that the City would like us to bring the firm's resources to bear on this problem, and to work with the City's finance and legal staff, including Quarles & Brady, as the City's



The Honorable Don Merkes
Mr. Charles Forrest
May 27, 2009
Page 3

bond counsel; Stern Brothers & Co., as the City's financial advisor; and the Common Council to help address the fiscal issues facing the City. Please note that we will endeavor to utilize the resources of the firm in the most cost-efficient and effective manner possible.

Our fees for this work will be based on our standard hourly rates in effect at the time services are rendered. Given the nature of this engagement, we cannot predict at this time what the fees and costs will be, but will provide monthly statements of our services and frequent updates of amounts expended and will also consult with the City on ways to manage the same. While not a fee cap, we would anticipate that the monthly charge for our services will likely range between \$80,000 to \$100,000, but may be higher during the early stage of our engagement as we familiarize ourselves with the facts regarding the City's financial and legal exposure relating to the MU-related obligations, and commence discussions with the Holders of the NANs and the BANs. We will also charge for our costs and disbursements, such as postage, special delivery, telecopies, filing, travel (with respect to travel, based on lowest available refundable coach airfares), publication or other similar costs.

We look forward to discussing this proposal further and to adding to our understanding of the City's needs. We are available at your convenience to meet or talk by phone regarding this proposal.

Very truly yours,

A handwritten signature in black ink that reads "Roger L. Davis".

Roger L. Davis



CITY OF MENASHA

Presentation to

Mayor Don Merkes, City of Menasha, Wisconsin &
Charles Forrest, Stern Brothers & Co.

May 27, 2009





SITUATIONAL OVERVIEW

SUMMARY OF MU-RELATED OBLIGATIONS

PROACTIVE STEPS THE CITY CAN TAKE

OUR EXPERIENCE

THE ORRICK TEAM

CONCLUSION AND NEXT STEPS

APPENDICES

The discussion which follows is not intended as and should not be taken as legal advice, and Orrick, Herrington & Sutcliffe LLP cannot be responsible for actions the City of Menasha may take or fail to take in reliance upon the following without seeking further legal advice on the matter from qualified legal counsel. Unless Orrick is engaged by the City of Menasha as its counsel, no attorney-client relationship exists between Orrick and the City of Menasha. There may be additional information the City of Menasha has not shared with Orrick which would cause us to alter any advice we would give you, and there may be more subtle aspects of the questions not discussed below which would, upon further consultation, turn out to be the factors of greatest importance to the City of Menasha.



We greatly appreciate the opportunity to make this presentation to the City of Menasha, Wisconsin (the "City" or "Menasha") and the Menasha Steam Utility ("MU" or "Steam Utility") in connection with the possible closing of the Steam Utility and the compromise or restructuring of outstanding obligations of the City related to the Steam Utility.

The City of Menasha (the "City" or "Menasha") has been under financial pressure for several years relating to the operation of the Steam Utility. MU is a municipal public utility owned by the City and managed and operated for the City by the Menasha Utilities Commission. The Steam Utility, a coal-fired plant, created in 2004, among other reasons, to convert a portion of the Menasha Power Plant into an industrial steam production facility to provide low cost steam to nearby paper mills. MU has three customers under long-term contracts that enables it to sell, at each customer's discretion, below-cost steam to Sonoco U.S. Mills, Inc. ("Sonoco"), George A. Whiting Paper Co. ("Whiting") and Alcan Packaging Corp. ("Alcan" and, together with Sonoco and Whiting, collectively, the "Customers"). These are not "take-or-pay" contracts; thus, each Customer has no obligation to purchase a minimum annual amount of steam. Moreover, the steam rates charged by MU is less than its operating expenses (not including debt service). As a result of recent (and, in respect of Sonoco, anticipated) arbitral decisions, MU is not able to charge its Customers for the steam at a price that would cover the Steam Utility's operating and capital costs, let alone lease payments or debt service. Given low-cost alternative power supply sources, it is not expected that MU will be able to renegotiate more favorable contract prices with the Customers. Whiting and Sonoco have claimed that they have been overcharged for steam for 2008 and 2009 and have sought refunds of such amounts (Whiting, \$90,000; Sonoco more than \$2 million). Additionally, the City and MU are encountering actual or threatened environmental litigation or proceedings by the Wisconsin Department of Natural Resources, the United States Environmental Protection Agency, and the Sierra Club relating to operation of the steam plant.

The City currently has approximately \$41 million of steam utility related revenue and general obligation bonds maturing in the next 30 months, approximately \$14 million of which are general obligation bonds. Because these revenue and general obligation bonds were sold as interest-only notes, MU has not made any principal amortization payments on these bonds. The City, nonetheless, already has levied more than \$2.5 million in ad valorem taxes relating to the debt service on the general obligation bonds.

The 2005 and 2006 revenue bond anticipation notes, aggregating \$24,160,000, mature on September 1, 2009. The City is not likely to have sufficient available revenues to repay the notes when they become due. Additionally, if the City determines to close the Steam Utility Plant, the closure may constitute a default on the notes. The City has requested advice on what actions may be available to it to compromise or restructure the outstanding obligations of the City related to the Steam Utility and possibly other City or MU obligations.



MU is a municipal public utility owned by the City and managed and operated for the City by the Menasha Utilities Commission. In January 2009, the City and MU retained Stern Brothers & Co. to analyze the financial performance of the Steam Utility and to provide a recommendation for its future. As a result of its analysis, Stern Brothers & Co. recently recommended that the City close the steam plant, which the City is contemplating approving as of July 1, 2009.

On February 1, 2005, the City issued its \$12,660,000 Taxable Steam Utility Revenue Bond Anticipation Notes, with a maturity date of September 1, 2009 (the "2005 BANs"). The 2005 BANs were issued to acquire, construct and equip the steam utility facilities, including the capital expense relating to the acquisition and installation of certain steam turbine generators. Thereafter, on December 1, 2006, the City issued its \$11,500,000 Taxable Steam Utility Revenue Bond Anticipation Notes (the "2006 BANs" and, together with the 2005 BANs, the "BANs") and \$2,675,000 Taxable Note Anticipation Notes (Steam Utility) ("NANs") and \$1,340,000 Taxable General Obligation Promissory Notes (Steam Utility) (the "2006 GO Bonds"),

The BANs and the NANs are not general obligations of the City and are payable from the proceeds of the sale of revenue notes, monies held in certain reserve funds and income and revenues received from the operation of the Steam Utility. Additionally, the City has agreed to appropriate funds to pay any deficiency out of its annual general tax levy or other available funds for such payments, including surplus funds of the City's Combined Electric and Water Utility, subject to annual budgetary appropriation and other conditions. Such payments are subject to annual budgetary appropriations, approval of the Public Service Corporation, and applicable levy limitations. Notwithstanding the City's agreement, the BANs and NANs are not general obligations of the City, and the City is not obligated to make such appropriation. The City's obligations to make payments on the BANs or NANs are unsecured contractual obligations of the City, and no lien has attached to the Steam Utility or its property. The BANs and NANs are enforceable in the same manner as any other contractual obligations of the City.

On August 22, 2007, the City issued \$13,930,000 Taxable General Obligation Promissory Notes (Steam Utility Project) (the "MU GO Bonds"), which bonds mature on September 1, 2010. The MU GO Bonds were issued partially to refund the \$1,340,000 general obligation bonds previously issued in connection with the Steam Utility, and to replenish the Steam Utility Reserve Fund.



Taxable General Obligation Bonds	8/22/07	9/1/10	5.60%	\$ 790,080	\$13,930,000
Taxable Note Anticipation Bonds	12/1/06	9/1/11	5.2%	139,100	2,675,000
Taxable Revenue Bond Anticipation	2/01/05	9/1/09	4.35%	550,710	12,660,000
Taxable Revenue Bond Anticipation	12/1/06	9/1/09	5.7%	<u>655,500</u>	<u>11,500,000</u>
Total MU-Related Obligations				\$2,136,390	\$40,765,000



- Aggressively develop and implement plan to compromise or restructure MU-related obligations
- Build creditability with key parties
 - Common Council
 - State (Governor and Treasurer)
 - Holders of the NANs and BANs and any other senior creditors
 - Aggressively pursue obtaining the \$7,000,000 loan from the State to refinance some of the MU-related obligations
- Commence negotiations with note holders and other senior creditors
- Explore sale of the Steam Utility Plant
- Explore options, if any, under the various federal stimulus initiatives (including clean-tech options)
- Identify key constituents with whom the City and MU must negotiate
 - Owners of NANs and BANs
 - Customers
 - Environmental Agencies (relating to clean-up costs associated with operation or closing of the Steam Utility Plant)
- Establish defenses to declaration of default by holders arising from closing of the Steam Utility Plant
 - Determine whether there are any defenses to payment (obligation limited to revenues, if Steam Utility Plant is closed, City has no revenues); determine remedies available to NANs and BANs in event of payment default
 - Determine whether the City has an obligation to operate or not close the Steam Utility Plant and if the holders have any recourse or claim against the City if the City closes the Steam Utility Plant
 - Determine whether the City has other exposures in event of the closure of the Steam Utility Plant and payment default of the NANs and BANs



- Determine how the NANs and BANs can be compromised or restructured
- Determine whether new customer for steam can be identified or if the Steam Utility can be economically converted (unlikely)
- Conduct an analysis to determine if any amounts would be owed by the City to Customers if Steam Utility is closed
- Develop a Standstill/Forbearance Agreement
- Negotiate with the holders of the NANs and the BANS a standstill/forbearance agreement to prevent the holders from exercising any remedies or commencing any litigation against the City upon non-payment of the bonds or other defaults in respect of the NANs or BANS. Typical terms include:
 - Standstill/forbearance of any enforcement action for a negotiated period (60-90-120 days)
 - Agreement by the City to provide financial information
 - Waivers/releases
 - Holders of the BANs and RANs may seek reimbursement of their attorneys' fees and expenses relating to any compromise or restructuring
- Identify/outline potential terms of a compromise or restructuring of obligations
 - Length for payment
 - Source for payment: pledging collateral, issuance of new bonds, special tax assessment payable over [x] years, securitization proceeds, proceeds from sale of facilities
 - Prepare a strategy in event the obligations cannot be compromised or restructured
- Consider other City issues
- Quantify the scope of the City's exposure



Orrick's commitment to public finance stretches back more than a century. For the past two decades, we have ranked number one in the country as bond counsel and as underwriter's counsel, averaging a combined market share of over 12 percent of all municipal debt obligations issued each year.

In addition to serving as bond counsel and underwriter's counsel, Orrick also acts as issuer counsel, disclosure counsel, special tax counsel, company counsel, credit provider counsel, lender counsel, trustee counsel, and swap/derivative provider counsel. We serve these roles in connection with the issuance of tax-exempt and taxable bonds. We also provide post-issuance services on arbitrage rebate compliance, continuing disclosure, bankruptcy, IRS audits, SEC investigations, defaults and other workouts.

Orrick represents the City of Vallejo, California's largest city ever to file for protection under chapter 9 of the Bankruptcy Code. Vallejo is the largest American city to be deemed eligible for chapter 9 relief. The case has generated cutting edge legal issues, as well as litigation over a number of hotly-contested factual issues, including those relating to the City's insolvency and eligibility to be a chapter 9 debtor, and to its pending motion for approval of the rejection of collective bargaining agreements.

Orrick led the City through the myriad federal and state pre-filing requirements to ensure compliance with chapter 9 eligibility requirements, including satisfying the Bankruptcy Code requirement for pre-filing negotiation with creditors. This process involved negotiating with the City's two primary creditor constituencies: the City's four labor associations, in an effort to resolve issues with respect the individual collective bargaining agreements, and Union Bank, the City's credit enhancer and holder of over \$50 million in Certificates of Participation.

Orrick represents the City of Detroit, Michigan in connection with the restructuring of certain swap agreements associated with the City of Detroit's 2006 Pension Obligation Certificates (the "POCs"), of which \$800 million were variable rate taxable certificates. The scheduled payments of principal and interest were guaranteed under insurance policies on specifically designated 2006 POCs by Financial Guaranty Insurance Company ("FGIC") and XL Capital Assurance Inc., now Syncora ("XL", together with FGIC, the "Insurers"). Additionally, to hedge against its variable rate exposure on certain of the 2006 POCs, the City has certain exposure in respect of interest rate swap agreements entered into with UBS AG and SBS Financial Products Company, LLC. Because the ratings of the Insurers and of the POCs fell below investment grade, the swap counterparties may have the right to declare an early termination event in respect of the swap agreements which, based on the timing of the termination event, could have required the City to make a termination payment to the counterparties of between \$300 and \$400 million. Orrick is representing the City in the negotiation with the counterparties and the Insurers of a restructuring of the potential termination events.



Orrick lawyers have been working with the City of Half Moon Bay to identify financing methods that would help the City pay an \$18 million judgment stemming from a lawsuit with a developer over the failed Beachwood development. The settlement payment is due in August 2009. Orrick helped negotiate the settlement and is assisting the City in the issuance of Judgment Obligation Bonds to pay a portion of the settlement cost (net of payments in cash from the City and possibly State level assistance). Orrick was asked to advise the City on the possibility of filing a chapter 9 bankruptcy case but advised that the City would not likely be eligible to file due to its financial standing. The bonds have been given a rating of "AA-" by Standard and Poor's.

The City of Richmond, California, experienced significant financial difficulties from 2000-2004. In early 2004, Richmond projected a deficit in the general fund equal to approximately 30 percent of the general fund budget for fiscal year 2003-04. Richmond's audited financial statements were late, and its accounting system was unable to produce reliable reports on the state of the City's finances. Orrick attorneys worked closely with Richmond and its financial advisors to develop a Fiscal Recovery Plan for the City. The plan included one-time emergency measures to plug the 2003-04 budget gap as well as assistance in reviewing the City's plans to create structural balance. We also worked with Richmond's auditing firms to get its audited financial statements caught up. As counsel to Richmond, Orrick attorneys provided critical advice to resolve its cash flow problems, and allow it access to the market. We also identified innovative methods for Richmond to borrow money to resolve its cash flow problems. Richmond successfully emerged from its fiscal crisis and now has a solid "A" rating and has been able to access the bond market for needed public programs and projects.

Orrick was hired as counsel to Goldman Sachs & Co. to advise on the allocation of monies to debt and other obligations during the County's bankruptcy, financings during bankruptcy, the County's plan to exit bankruptcy and the bond financings that enabled the County to emerge from bankruptcy. After the bankruptcy, Orrick was hired by the County as its principal finance counsel.

In the early 1990's, the District of Columbia (the "District") was experiencing severe financial problems and had an accumulated deficit in excess of half a billion dollars. In 1992, Pauline Schneider, while at her prior firm, drafted legislation which was adopted by the U.S. Congress and amended the District's Home Rule Act to permit the District to issue long term general obligation debt to finance its accumulated deficit. This was just the first in a series of measures taken by or on behalf of the District to address its financial crisis. In April 1995, in response to the District's ongoing fiscal and operational problems, Congress enacted the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104-8, as amended (the "Authority Act"), which established the District of Columbia Financial Responsibility and Management Assistance Authority (the "Authority"). Without repealing the District's Mayor/Council government structure, the Authority Act granted the Authority substantial powers over the financial activities and management operations of the District government during any "Control Period" as defined in the Authority Act. The powers of the Authority were expanded by Congress in August 1997 by the National Capital Revitalization and Self-Government – Improvement Act of 1997, Public Law 105-33. During the Control Period, which ran from 1995 – 2001, the Authority was authorized to exercise governmental control powers for the purpose of eliminating budget deficits and cash shortages of the District, ensuring



efficient and effective delivery of services in the District, enhancing the District's access to the capital markets, approval all bond issuances, ensuring the long-term financial, fiscal and economic vitality and operational efficiency of the District, examining the structural relationship between the District government and the Federal government, and reviewing the financial impact of activities of the District before the activities are implemented or submitted for Congressional review.

The Control Board also assisted the District in pursuing certain financings that generated revenues for the District such as a real property tax lien securitization program. Ms. Schneider, while at her former firm, was hired in 1996 as counsel to the Control Board to draft legislation authorizing the sale and securitization of such tax liens. The District successfully completed its first transaction later that year. Beginning in 1997, attorneys now with Orrick were hired as bond counsel to the District, and thereafter assisted the District in obtaining all necessary approvals from the Authority for its bond issuances during the Control Period. Attorneys now with Orrick have continually served as bond counsel to the District since then.

Orrick has been closely involved in the Jefferson County matter since the County's financial difficulties became known. Orrick represents a significant creditor which has exposure in certain of the municipal financings of Jefferson County.

As a result of the widespread dislocation in the insured and municipal variable market this year caused by the downgrades of the monoline bond insurers, Orrick attorneys developed various structures to assist our municipal clients with the substitution and conversion of letter of credit and standby arrangements as well as various other credit supported financings. Many of these structures required expertise beyond traditional public finance law and were the result of collaboration with lawyers in our structured finance, bankruptcy, securities law and corporate and municipal tax practices.

As one example, Orrick attorneys have developed structures to address the current lack of appetite on the part of investors for outstanding auction rate and variable rate tender option bonds that are insured by one of the mono-line municipal bond insurers currently facing ratings difficulties. One such structure is designed to take the bonds out of the market but still preserve the potential future value of the bond insurance policy, as well as any related swap insurance and/or reserve fund surety policy. The structure should work well for a number of different types of bonds. In addition, we have developed, and continue to develop other structures for other types of bonds (such as lease-backed and certain conduit bonds).

We also have experience restructuring numerous transactions for public finance issuers in responding to the fall-out arising from the downgrade of the financial sureties.

As discussed in detail above, Orrick represents the City of Vallejo in its chapter 9 case, California's largest city ever to file for bankruptcy protection.



Orrick represented the Utah Associated Municipal Power Systems, Old Dominion Electric Cooperative and Jacksonville Electric Authority, among others, in connection with claims asserted by and against them in the bankruptcy cases of Enron Corp., Enron Power Marketing and Enron North America under forward power purchase agreements, including novel issues regarding ability of power purchasers to recover against Enron for fraud and the application of the special treatment of such agreements under the safe-harbor provisions of the Bankruptcy Code. Amounts asserted in connection with these proceedings totaled in excess of \$50 million, in the aggregate.

Orrick represented Potomac Electric Power Company (Pepco) in complex, cutting-edge litigation relating to the ability of Mirant Corporation, a debtor power generator, to reject electric power contracts. Our defense of Pepco resulted in the U.S. Court of Appeals for the Fifth Circuit requiring courts to consider the public interest before approving the rejection of a power contract.

Orrick represents creditors in mortgage industry-related bankruptcy proceedings and out-of-court work-outs and wind-downs, including creditors involved in the Aegis, American Home Mortgage, First Magnus, Ownit and ResMae bankruptcy cases. Claims include breach of representations and warranties, early payment default, termination payments, and indemnity claims. Orrick also advises purchasers of assets from distressed and bankrupt subprime lenders, including American Home Mortgage and First Magnus.

Orrick represents corporate and financial counter-parties with swap, forward contracts, repurchase agreements and other derivative products in various aspects of the Lehman Brothers proceedings pending in the United States and the United Kingdom. Claims include breach of representations and warranties, early payment default, termination payments, and indemnity claims.

Orrick represents a secured bondholder in the Refco bankruptcy case in connection with the resolution of its claim.



Lorraine McGowen, a partner in the New York office, is a member of the Executive Committee and a former co-chair of the Restructuring Group. She has practiced in the areas of creditors' rights and bankruptcy for more than 20 years, with a particular focus on the enforcement of creditors' rights and remedies in out-of-court work-outs and bankruptcy proceedings. Ms. McGowen represents formal and ad hoc creditors' committees and secured and unsecured creditors and other significant parties in complex bankruptcy cases, corporate restructurings and other insolvency matters and has extensive experience representing public and private entities in out-of-court work-outs and bankruptcy proceedings. Recently, she has been actively involved in the liquidity crisis affecting financial institutions, advising significant counter-parties with respect to their exposure to troubled financial institutions. She also provides innovative solutions to strategic and financial purchasers of distressed companies. Ms. McGowen advises clients on the bankruptcy and commercial law implications of proposed transactions, including mergers and acquisitions, project and structured financings, leveraged leases, securitizations and other transactions.



Roger Davis is a partner in the San Francisco office and Chair of the Public Finance Group. He is a member of the firm's Executive Committee and partner in charge of ancillary businesses, which includes Bond Logistix LLC, a leading provider of arbitrage rebate compliance, investment and swap advisory, continuing disclosure and other post-bond issuance compliance services. Mr. Davis has served as bond counsel, underwriters counsel, disclosure counsel, bank counsel, derivatives counsel, and other roles in more than 900 transactions involving virtually every type of state and local governmental obligation in most of the western states and several Pacific Islands. He led the Orrick team charged with restructuring the debt of Orange County, California and financing the County's way out of bankruptcy.



We trust that this proposal provides a framework for further discussion. We would welcome the opportunity to review your legal requirements in more detail and to provide more specific advice as appropriate.



FIRM MATERIALS

Firm Overview

Restructuring Practice Overview

Public Finance Practice Overview

CLIENT REFERENCES

- Banking and Finance
- Restructuring
- Capital Markets
- Compensation and Benefits
- Emerging Companies
- Energy and Project Finance
- Mergers and Acquisitions
- Outsourcing and Technology Transactions
- Public Finance
- Real Estate
- Structured Finance
- Tax
- Commercial Litigation
- Employment Law
- Intellectual Property
- International Dispute Resolution
- Product Liability Litigation
- Securities Litigation
- White Collar Defense

Orrick, Herrington & Sutcliffe LLP is an international law firm with more than 1,100 lawyers located throughout the United States, Europe and Asia. We focus on litigation, complex and novel finance and innovative corporate transactions.

The firm strives to help our clients achieve their goals and solve their problems by performing effective, challenging and innovative legal work on their behalf. Throughout the world, our clients include Fortune 500 companies, major industrial and financial corporations, commercial and investment banks, high-growth companies, governmental entities, start-ups and individuals. The firm's core values, shared by all Orrick colleagues, emphasize that we observe "the highest standards of integrity and ethics at all times...we bring enthusiasm, innovation, entrepreneurial zeal and commitment to advancing the welfare of the firm and our clients."



Our offices are located in many of the world's financial centers and other key commercial locations: Beijing, Berlin, Düsseldorf, Frankfurt, Hong Kong, London, Los Angeles, Milan, Moscow, New York, Orange County, Pacific Northwest, Paris, Rome, Sacramento, San Francisco, Shanghai, Silicon Valley, Tokyo, Taipei and Washington, D.C. We are the first U.S. law firm to establish a Global Operations Center, located in Wheeling, West Virginia, to provide 24-hour, seven-days-a-week technology, human resources, marketing, legal assistance and accounting services. To efficiently serve our clients, Orrick is organized into two divisions—transactional and litigation—comprised of several practice areas, which are highlighted on the left of this page.



Orrick's restructuring lawyers deliver winning results, client-focused service and efficient strategies to clients involved in restructurings and insolvencies. We routinely work on complex restructurings and financing transactions and offer clients value-added legal advice, from negotiation and mediation to litigation and counseling. We have successfully represented many different constituencies in virtually every aspect of corporate reorganizations, out-of-court restructurings, insolvency and liquidation matters.

Our lawyers—who have a track record of leadership and creativity—draw on the experience of other Orrick practitioners, including those in the corporate, finance, securities, litigation, tax, pension and real estate groups, to deliver a full range of restructuring-related legal services to major financial, commercial and industrial institutions around the world.

- Represent debtors, creditors, committees, fiduciaries and lender groups in formal bankruptcy and insolvency proceedings in courts around the world.
- Represent secured lenders, lender groups, other senior creditors and issuers in complex financial restructurings, recapitalizations and rescue financings.
- Represent buyers and sellers of distressed loans and claims, and in distressed merger and acquisition mandates.
- Represent secured lenders, financial institutions and other sophisticated investors in the restructuring of financial products and complex corporate, capital markets and derivative products to limit bankruptcy and commercial risks.

We represent clients in cutting-edge matters across a range of industries, including:

- Airline and Transportation
- Automotive
- Consumer Products and Services
- Energy
- Financial Services
- Healthcare
- Hospitality and Gaming
- Manufacturing
- Media and Telecommunications
- Mining
- Municipal Finance
- Real Estate
- Retail
- Technology

Leading global companies engage Orrick to serve as counsel, including:

- ABN AMRO Bank N.V.
- Bank of America
- BlueSky Capital
- Citizens Bank
- City of Vallejo
- Cooper Industries, Ltd. (In re Federal-Mogul Corporation)
- D.E. Shaw & Co., L.P.
- EOS International
- Eurotunnel (ad hoc committee)
- Fuji Bank
- Intel Corporation
- JPMorgan Chase & Co.
- Koch Industries, Inc.
- Nomura Credit & Capital, Inc.
- Philippine Airlines
- Plainfield Asset Management LLC
- Potomac Electric Power Company
- Sandell Asset Management Corp.
- Sigma Financial Corporation (common interest group)
- Stone & Webster, Inc. (creditor's committee)
- Telecom Italia SpA
- The Bank of Nova Scotia
- The Royal Bank of Scotland
- USA Capital Diversified Trust Deed Fund (equity committee)
- United Online, Inc.
- W. R. Grace & Co. (court-appointed fiduciary)
- Wells Fargo & Company
- WestLB AG



- Represented the court-appointed future claimants' representative in the ongoing Chapter 11 case of this worldwide chemical company, with estimated present and future tort claims in excess of US\$3 billion.
- Represent ABN AMRO as agent in restructuring and defeasance of a US\$475 million securitization loan facility to Quebecor World Finance.
- Represent Cooper Industries and its affiliates as principal creditors and holders of an indemnity claim of more than US\$480 million, in connection with the restructuring proceedings of Federal-Mogul, a worldwide manufacturer and distributor of automotive products.
- Represented the interests of approximately 1,300 investors whose cumulative investment exceeds US\$150 million in one of five companion chapter 11 cases.
- Defended NVIDIA in trial of fraudulent transfer and successor liability action brought by the bankruptcy trustee of 3dfx Interactive, Inc. arising from NVIDIA's 2001 acquisition of assets from 3dfx Interactive.
- Advise on some of the most significant and complex mandates in the financial markets, including Sigma Financial Corporation, Cheyne Finance PLC, Whistlejacket Capital Ltd. and Rhinebridge PLC.
- Orrick is dedicated to investing in its client relationships, with the goal of building long-term partnerships. Each client works with a team of lawyers who focus on understanding the client's role and desired outcome in restructuring matters and keeping the client informed of issues affecting its business.
- Orrick's success stems from its ability to think in the business mind-set and to understand clients' business objectives. Our experience with nearly all types of restructuring matters provides us with the broad insight required to develop creative solutions that help our clients achieve their goals.
- Represent corporate and financial counterparties in various aspects of the Lehman Brothers proceedings pending in the United States and the United Kingdom.
- Represented the Official Committee of Unsecured Creditors in the Chapter 11 cases of Stone & Webster, an international engineering and construction enterprise with 72 subsidiaries. Orrick continues to represent the SWE&C Liquidating Trust to resolve claims against Stone & Webster Engineers & Constructors, Inc. and its direct and indirect subsidiaries totaling in excess of US\$1 billion.
- Represent ABN AMRO with respect to approximately US\$500 million in pre-petition secured loans and DIP loans to Ritchie Risk-Linked Strategies, an SPV created to purchase life settlements.
- Defended Pepco in complex, cutting-edge litigation concerning the ability of Mirant Corporation, a debtor power generator, to reject electric power contracts.
- Represented various financial institutions and lenders in connection with the bankruptcies of several mortgage companies and the workout of trouble mortgage portfolios.
- Represent the city of Vallejo, California's largest city ever to file for bankruptcy protection, in its chapter 9 case.
- In an increasingly competitive business world, Orrick understands the need for timely responses from highly skilled lawyers. We provide each client with service that is targeted to the client's specific requirements. Orrick's information technology systems and client extranets connect the firm's lawyers and clients around the world, allowing access to resources regardless of location, and enabling our lawyers to deliver consistently high-quality services.
- With 21 offices worldwide, Orrick lawyers have handled restructuring and insolvency matters from Toledo to Tokyo and have the geographic reach to advise clients on the issues impacting them around the world.



Orrick consistently ranks No. 1 in public finance related legal work in the United States and also practices public finance in several other countries. In 2008, Orrick served as bond counsel or underwriters' counsel on more than 570 financings aggregating nearly \$60 billion. Our clients include municipal issuers, nonprofit corporations, private company borrowers, developers, Indian tribes, underwriters, credit providers, investment providers, swap providers and others, in both primary and secondary market transactions.

Orrick's public finance practice is well known for its unique depth in tax matters related to public finance. The diversity of our public finance practice, combined with an emphasis on sophisticated tax-driven transactions, provides clients with our unmatched strength in analyzing and opining on tax matters including innovating solutions to tax-related problems; obtaining IRS rulings and handling post-issuance tax compliance and IRS audits. The Public Finance Tax Group includes a current board member and a former chair of the National Association of Bond Lawyers (NABL) and a former chair of the American Bar Association's Committee on Tax-Exempt Finance—the two most influential professional groups in the United States for tax aspects of public finance.

Our reputation for safety and reliability has enabled us to innovate public finance techniques that have been widely adopted in the United States and frequently used as development models in other countries, including mixed revenue structures; tax increment financing; lease certificates of participation; pension obligation bonds; prepaid natural gas financings; tobacco settlement revenue, federal grant, delinquent property tax and other municipal asset securitizations; earthquake, worker's compensation and other insurance financings; various public-private partnership models; and derivative repackagings of municipal securities.

- **Most Established Practice:** Orrick has maintained a substantial practice in the area of public finance for over 100 years, including the historic financing of such iconic projects as the Golden Gate Bridge and Carnegie Hall.
- **Key Geographic Locations:** Orrick is strategically situated to provide the best legal services for our clients. Our public finance practice presently consists of more than 90 lawyers in the United States, with 30 in San Francisco, 23 in New York, 9 in Los Angeles, 10 in Sacramento, 12 in the Pacific Northwest and 7 in Washington, D.C. Additional lawyers in London, Rome, Milan and Paris also practice public finance.
- **Comprehensive Counsel:** Orrick has established practices in other areas such as corporate securities, 144A limited offerings, asset securitization, project finance, energy (including clean and renewable), real estate, commercial transactions, emerging companies, private entity financing, intellectual property, bankruptcy, environmental and tax law that give us the ability to handle aspects of public finance transactions beyond traditional issues.
- **Unmatched Public Finance Securities Law Experience:** No other firm matches Orrick in experience in public finance securities law issues. Orrick is not only the top-ranked bond counsel firm, but is also regularly ranked in the top three as disclosure counsel and as underwriters' counsel. The undisputed authority in U.S. federal securities law as applied to municipal securities is Orrick public finance partner Robert Fippinger, author of "The Securities Law of Public Finance" (Practising Law Institute, 2nd ed., 1999).
- **Post-Closing Services:** Orrick is one of the few bond counsel firms that is able to offer a variety of post-closing services to our clients. Our unique wholly owned ancillary corporation, Bond Logistix LLC, an SEC-registered investment advisory firm, provides cost-effective arbitrage rebate compliance services for more than 12,000 bond issues, as well as post-issuance tax compliance, investment product and swap advisory/monitoring, and continuing disclosure services.

- **"Dealmaker of the Year"**
Roger L. Davis (2006, 1998)
Mary A. Collins (2005)
Robert P. Feyer (2003)
Eileen Heitzler (2002)
Tom Myers (2001)

- **"Attorney of the Year"**
John H. Knox (2006)
Robert P. Feyer (2004)

- No. 1 Bond Counsel Firm (2008)
No. 1 Disclosure Counsel Firm (2008)
No. 2 Underwriter's Counsel Firm (2008)



Bay Area Toll Authority (BATA) in a \$1.16 billion financing for the San Francisco Bay Bridge, which took five years of legal, financial and legislative effort to come together and resulted in the transfer of financing responsibility of the \$8.7 billion Toll Bridge Seismic Retrofit Program from the State of California to BATA. The transaction required new specific state legislation, a private letter ruling by the Internal Revenue Service, and coordination of four California state entities: BATA, the California Department of Transportation, the California State Treasurer's Office and the California Infrastructure and Economic Development Bank.

The Trust for Cultural Resources of the City of New York on the issuance of its variable rate revenue bonds on behalf of Lincoln Center for the Performing Arts, Inc. Proceeds of the bonds were used to finance, among other things, renovations to the world famous Alice Tully Hall, which is used by organizations such as The Juilliard School, The Chamber Music Society of Lincoln Center and The Film Society of Lincoln Center, and the expansion and improvement of the North Plaza.

Oregon Department of Transportation (ODOT) in a \$400 million transaction that funds a portion of a major state initiative to upgrade bridges and finance highway improvements throughout the state of

Oregon. A unique aspect of this transaction was the establishment of a subordinate lien structure, which allowed ODOT to sell \$200 million in variable rate debt for the first time and on an ongoing basis.

Orrick represented the District of Columbia as bond counsel in the sale of \$827 million in general obligation bonds—the largest debt offering ever by the District. The transaction consisted of \$576 million general obligation bonds to finance new capital projects and \$251 million general obligation refunding bonds to refinance debt originally issued in 2001, 2003 and 2005. The refinancing will save the District \$9.2 million in interest payments.

Lawyers in our European offices serve as counsel for public entities, banks and other financial institutions in connection with the issuance of bonds for public infrastructure and other projects. Recently, Orrick's Italian finance lawyers acted as legal counsel for Autostrade Lombarde S.p.A. (già Bre.Be.Mi. S.p.A.) as promoter (and contractor) in the project financing regarding the building and managing of the Brescia-Milano highway, and they also regularly advise on securitization transactions of health care receivables of local health care authorities in various Italian regions.

- Arbitrage Rebate
- Assessment and Special Tax Land Secured Financing
- Clean and Renewable Energy Financing
- Continuing Disclosure
- Credit Enhancement
- Gas and Electric Prepayment Transactions
- General Obligation Bonds
- Governmental Affairs and Legislation
- Health Care Financing
- Higher Education and Student Loan Financing
- Hotel, Resort, Casino and Entertainment Facilities
- Indian Tribe Financing
- Industrial Development and Pollution Control Financing
- Insurance Financing
- Investment Products and Placement
- Lease Finance and Certificates of Participation
- Military Housing
- New Products
- Nonprofit Corporation Financing
- Pension Bonds and Other Post-Employment Benefits Financing
- Public Power Financing
- Public-Private Partnerships
- Redevelopment Agency Financing
- Revenue Bonds
- Sales and other Special Tax Financing
- School Financing
- Securitization of Municipal Revenues (tobacco settlement payments, federal grants, tax liens, license fees, leases, receivables)
- Short Term Financing
- Single Family and Multifamily Housing
- Solid Waste and Waste-to-Energy Financing
- Swaps, Investment Products and other Hedges
- Tax Aspects of Tax-Exempt Financing
- Transportation Financing
- Troubled Transactions
- Water and Wastewater Financing



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