

It is expected that a Quorum of the Board of Public Works, Park Board, Administration Committee, and/or Common Council may attend this meeting: (although it is not expected that any official action of any of those bodies will be taken)

**CITY OF MENASHA
LANDMARKS COMMISSION
Council Chambers
140 Main Street, Menasha**

November 12, 2008

4:30 PM

AGENDA

- A. CALL TO ORDER
- B. ROLL CALL/EXCUSED ABSENCES
- C. MINUTES TO APPROVE
 - 1. [Minutes of the October 8, 2008 Landmarks Commission meeting](#)
- D. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA
Five (5) minute time limit for each person
- E. DISCUSSION
 - 1. [Meeting organization, Roberts' Rules of Order, Ability to hold special meetings and/or cancel regularly scheduled meetings](#)
 - 2. Historic Preservation Grant Update
 - 3. Creation of a listing of "high priority" sites and notifying property owners
- F. ACTION ITEMS
 - 1. [Sign Proposal – 200 Main Street – Franky's](#)
 - 2. [Façade Improvement and Grant Request – 163 Main Street](#)
- G. ADJOURNMENT

CITY OF MENASHA
LANDMARKS COMMISSION
COUNCIL CHAMBERS

DATE: 10-8-08

MINUTE NOTES
CHE—SECRETARY

0. REDULAR MEETING

1. CALL TO ORDER

- a. TIME: 4:35 p.m.
- b. CHAIR: Joe

2. ROLL

- a. LANDMARKS MEMBERS (Mark Present or Absent)
 - i. Chair: Joe Weidert present
 - ii. Vice Chair: Patti Rudolph present
 - iii. Ald. Jason Pamenter absent
 - iv. Kristi Lynch present
 - v. Mary Nebel present
 - vi. Chris Evenson present
 - vii. Charlie Cross present

b. OTHERS PRESENT

- i. Jessica Beckendorf
- ii. Bob Ramsey
- iii. Roger Biechler
- iv. Christine Biechler
- v. Mike Prokash

3. MINUTES

- a. Dates of meetings: 9/9/08 and 10/1/08
- b. Motions:
 - i. Amendments: None.
 - ii. Motion to approve:
 - 1. By: Patti
 - 2. 2nd: Chris
 - 3. Result: Approved

4. PUBLIC COMMENTS ON MATTERS OF CONCERN TO THE CITY

- a. Item: Mary Nebel raised the following issues: Lack of attachments and time to review action items prior to meeting; Lack of follow up on agenda items intended for follow up or carry over; Change of agenda language to allow broader public comment beyond agenda items. Joe suggested that Mary or other commission member take responsibility for trying to insure agenda items are not missed at subsequent meetings. Consensus reached that list of such items will be put on next agenda as housekeeping measure.

5. SUBSTANTIVE AGENDA ITEMS

- A. F-a 177 Main St. façade improvement and grant request
 - i. Action Item
 - ii. Attachments: Photos of deteriorated brick, bids for work and grant application
 - iii. Presenter: Jessica, Biechlers and Bob Ramsey
 - iii. Discussion: Proposal is for work to be done on front façade, per sketch and bids provided. Significant features include: brick cleaning and sealing, tuckpointing deteriorated sections. Project is weather dependent, but is anticipated to be completed during 2008. Total of three facades involved on total of two buildings, therefore grant maximum of \$2,500 per façade available. Total work bid in excess of \$60,000. Kristi requested spec sheet from Mr. Ramsey to review sealer characteristics, which he indicated he would supply to her for review.
 - iv. Motion: To approve proposed alterations to façade and to approve grant of \$2,500 per façade for total of \$7,500 per the plans and specs submitted.
 - 1. By: Charlie
 - 2. 2nd: Patti
 - 3. Result: Approved

- B. F-2 163 Main St. façade change and grant request
- i. Action Item
 - ii. Attachments: Grant request and single bid.
 - iii. Presenters: Jessica and Bob Ramsey
 - iv. Discussion: Purpose of proposed change is to eliminate ongoing water and ice problems with current roof and reduce or eliminate post encroachment. Adequacy of submitted materials was questioned by members of commission, including lack of second bid for work, drawings, whether owner or tenant was requesting approval, etc.
 - v. Motion: Hold till next meeting to receive revised submission with photos and corrected application form.
 1. By: Mary
 2. 2nd: Patti
 3. Result: Approved

- C. F-3 Historic Preservation Proposal and Contract
- i. Action Item
 - ii. Attachments: LJM Proposal, prior Heritage proposal and draft of contract
 - iii. Presenter: Jessica
 - iv. Discussion: The LJM proposal and Heritage proposals were reviewed, along with references received from City of Neenah and prior surveyor, Peter Adams. Price on each proposal equivalent. Contract form distributed and to be reviewed for comment.
 - v. Motion: Ratify initial selection decision of Heritage proposal
 1. By: Chris
 2. 2nd: Patti
 3. Result: Approved

5. ADJOURNMENT

- a. TIME: 5:57 pm
- b. MOTION
 - i. BY: Kristi
 - ii. 2ND: Charlie
 - iii. Result: Approved

Minutes submitted by:
Christopher H. Evenson



City of Menasha • Office of the City Attorney
Jeffrey S. Brandt, City Attorney

MEMO

TO: Landmark's Commission

FROM: Jeff Brandt JSB

SUBJECT: Meetings vis-à-vis Wisconsin Open Meetings Law

DATE: November 7, 2008

I was asked to provide guidance regarding Wisconsin's Open Meetings Law and Landmark commission meetings. It is my understanding that the Commission has been discussing several procedural issues. I will try to provide appropriate legal comment without having heard any prior discussion.

Regular meetings

The Landmark's Commission was designed to meet as needed. However, it has chosen to schedule regular meetings recently. This is within the province to do so. If it has regularly scheduled meetings, all provisions of the Open Meetings law apply. The most significant of these are that an advance agenda needs to be posted and the Commission must confine itself to specific topics of the agenda.

Special meetings

Given the nature of the Landmarks direction, it would appear that most of the business would be conducted in special meetings when an item of business is brought to Community Development. Special meetings are no different from regular meetings. Compliance with the Open Meetings law is required. Again, the Commission needs to stick to the topics on the agenda.

Other Business

Many governmental bodies attempt to avoid the strict requirements of the Open Meetings law by including within the agenda topic such as "Other Business", "Unfinished Business" or "Any Other Business the would lawfully come before the Commission". None of these is a lawful exception to the requirement that topics need to have some specificity on the agenda. I recommend that the Landmark's Commission not use any of these or other similar general topics.

Discussion outside the agenda

It is easy for discussion to stray from the specific agenda topic. Although this is inevitable, it is an inherent power of the Chair to identify how far afield the discussion may go and to remind members of the legal requirement to only discuss items on the agenda. If an item is brought up by the general public in a comment period, that topic is appropriately scheduled for a subsequent meeting. Since this is a frustrating response from the member of the public, it is appropriate to take a moment to explain that the matter will be considered at a future meeting.

Necessity of supporting materials before action is taken

It is always proper to have the most information possible for review before a decision is made. Members and staff should strive to meet that lofty goal. It is not always possible. To create a strict requirement that no action can be taken without all information provided in advance can create problems in several ways. One of the charges of the Landmark's Commission is to make findings of appropriateness or lack of appropriateness for requested approvals. To make this determination requires a fact-finding hearing at which members of the public may appear and comment. The Commission is only allowed to make its decision on what it hears during the hearing. It is illegal to make these decisions based merely on a review of advance materials or on individual site visits. There is no way in which a member of the public can be required to submit his or her comments in writing to avoid the hearing process. Having said that, the Commission does have a right to take evidence and testimony and adjourn to a later date to make a decision if it believes it needs time for deliberation.

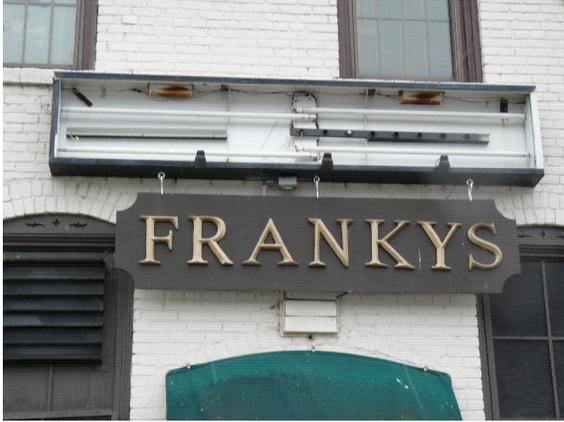
There are also instances where the press of time limits the advance dissemination of information. It is up to a majority of the Commission to determine whether it has had sufficient opportunity to consider the materials before taking action. Arbitrary rules will dramatically tie the Commission's hands.

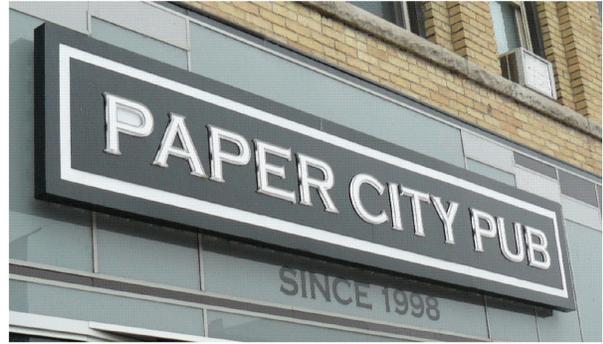
Rights of individual Commission members

Each member of the Commission has the same rights and responsibilities of the other members. No one can force the Commission to take any specific course of action unless that member is supported by a majority of the members. While decisions by consensus are nice, they seldom meet the requirements of the ordinances and statutes and should therefore be made by majority vote. Motions citing findings and reasons if in a hearing capacity are required. Statements as to why a member is voting the way the member sees fit always apprise the public as to why something is done. Obviously, there is slightly more power in the Chair to run the meetings and

to enforce any rules regarding the meetings, whether created by the Commission, the Common Council, the Legislature or under Robert's Rules of Order.

Lastly, I recommend that public business be done with due regard to pragmatism so as to accomplish public business without such strict adherence to process so as unduly complicate the public's rights to know and understand how government has functioned. Please feel free to contact me if you have any questions.







REQUEST FOR GRANT OR LOAN
Menasha Landmarks Commission

Date: 10-7-08 Property Address: 163 MAIN

Applicant: JOHN ENSLEY Owner or Renter: RENTER

Mailing Address (if different from property address): _____

Daytime telephone number: 707-2224 Evening telephone number: 707-2224

Description of Planned Improvement: REFRAME & EXTEND SHED ROOF
OVER REAR ENTRYWAY & INSTALL GUTTERS

Note: Please attach all available bids, proposals and estimates for the planned improvement. Material samples or brochures and a scale drawing are recommended, and may be required by the Commission.

Names of all contractors, sub-contractors and material suppliers: _____
QUOTES BY: ARCHITECTURAL RENOVATORS, LLC &
TGS CONSTRUCTION

Estimated start date: 10/27/08 Estimated completion date: 9/7/08

Total estimated cost: \$ 1410.00

Total amount being requested from Landmark's Commission: \$ 705.00
Grant request: \$ 705.00 Loan Request: \$ _____

Terms and Conditions:

1. Landmarks Commission reserves the right, in its sole discretion, to approve or deny any request for grant or loan, in whole or in part, or to condition approval and/or payment of said grant or loan upon such terms as it deems appropriate. No grant or denial of any prior request shall constitute precedent for the grant or denial of any subsequent request.
2. Every request shall comply with the attached Improvement Grant/Loan Policies, which are incorporated herein by reference.
3. Payment shall only be made for those improvements approved by the Landmarks Commission prior to or contemporaneous with the contribution request.
4. Payment shall only be made upon submission of actual invoices for labor or materials and only for work that is performed in compliance with all applicable state, county and municipal code provisions and with required permits. Completion of work shall be verified by the Director of Community Development.

Architectural Renovators LLC

**1116 Lakeshore Drive
Menasha, WI 54952
920-915-6102
archrenovaors.com**

September 30, 2008

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

Mr. John Ensley
163 Main Street
Menasha, WI 54952

Re: 163 Main Street
Sub: Porch roof extension

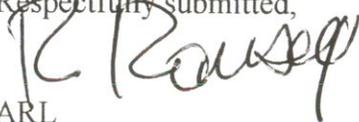
Dear Greg:

The attached proposal anticipates removal of the existing vinyl soffit and the plywood above in order to install a new beam inside the soffit cavity. The new beam and extended roof will be supported on a new post adjacent but not connected to 167 Main street. We are intending to reuse most of the existing vinyl soffit material.

This effort will eliminate the existing east side post support location, which would encroach on the traffic lane if re-installed.

We hope this proposal meets with your acceptance and please call with any questions you may have.

Respectfully submitted,


ARL

TGS

CONSTRUCTION

New Construction & Remodeling

4395 Hamble Road
Black Creek, WI 54106
920-882-6385
920-882-6386 fax
920-450-5601

PROPOSAL

TO:

Mr. John Ensley
163 Main Street
Menasha, WI 54952
September 22, 2008

RE: 163 Main Street Menasha, WI

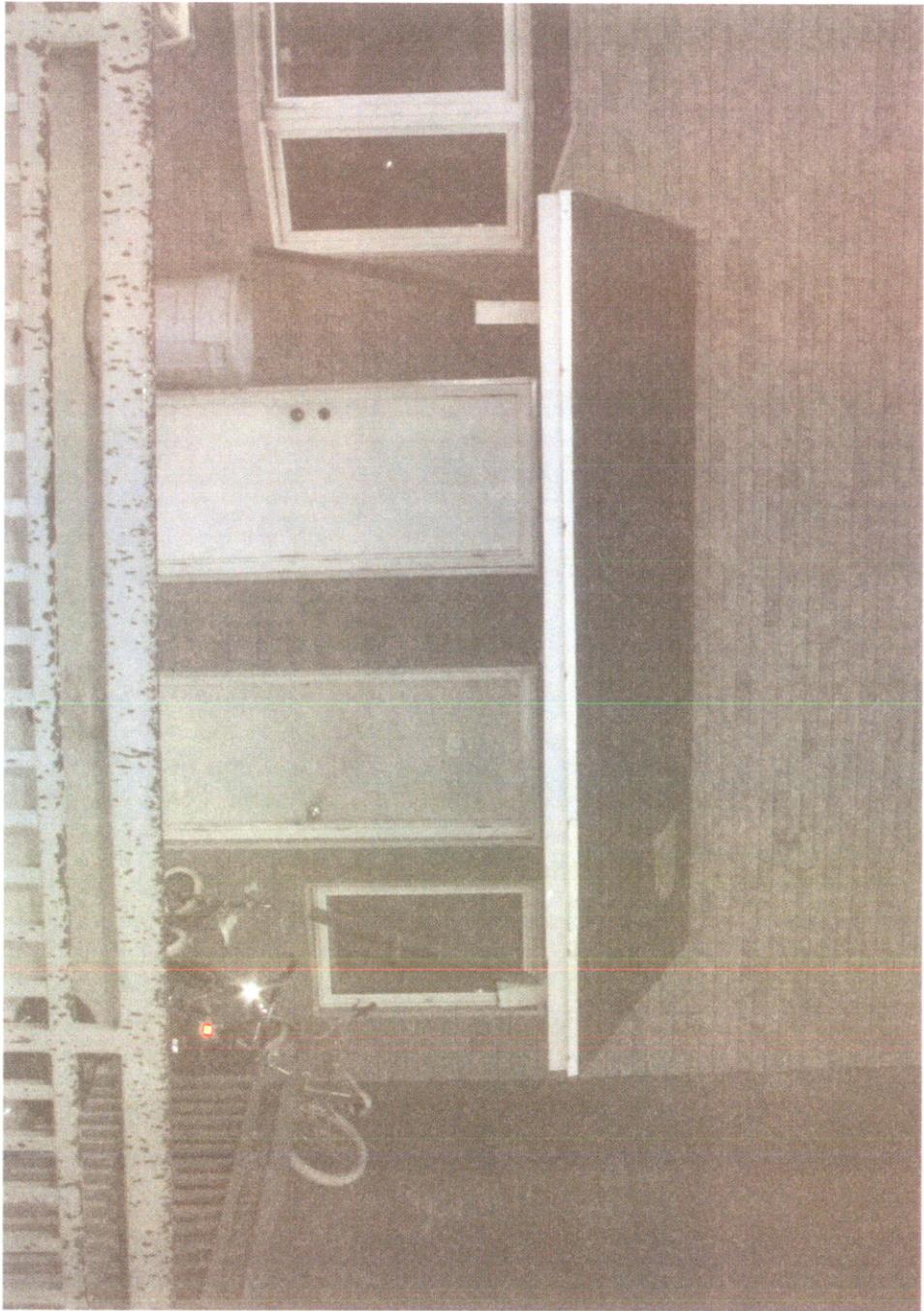
Proposal for roof modification for south entry & main roof eave trough

Demo and new frame construction	\$925
New roofing and flashing	\$230
Soffit and fascia work	\$260
New eave trough & downspout to parking ramp	<u>\$365</u>
TOTAL COST	\$1,780.00

Thanks for the opportunity and please call with any questions you may have.



Tom Schupp, Owner
TGS Construction LLC



ARCH. REN. 11-10-08

Eliminate Post In Traffic Lane - 163 MAIN

