

A quorum of the Administration Committee, Board of Public Works, Park Board, 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
REDEVELOPMENT AUTHORITY
Council Chambers, 3rd Floor, City Hall
140 Main Street, Menasha**

May 1, 2012

5:00 PM

AMENDED AGENDA

- A. CALL TO ORDER
- B. ROLL CALL/EXCUSED ABSENCES
- C. MINUTES TO APPROVE
 - 1. [Minutes of the February 29, 2012 Redevelopment Authority Meeting](#)
- D. PUBLIC COMMENTS ON ANY MATTER OF CONCERN ON THIS AGENDA
(five (5) minute time limit for each person)
- E. COMMUNICATIONS
 - 1. [Menasha Redevelopment Authority Bylaws](#)
- F. DISCUSSION
 - 1. Update on Lake Park Villas Branding/Marketing
 - 2. Redevelopment Authority Responsibilities as may be Related to the Lake Park Villas Phase II Homeowners Association
- G. ACTION ITEMS
 - 1. Election of Officers
 - a. Chairman
 - b. Vice Chairman
 - 2. [Amendment to Listing Agreement – Grubb & Ellis / Pfefferle](#)
- H. ADJOURNMENT

CITY OF MENASHA
Redevelopment Authority
Council Chambers, 3rd Floor, City Hall – 140 Main Street
February 29, 2012
DRAFT MINUTES

A. CALL TO ORDER

The meeting was called to order at 5:00 p.m. by Chairman Kim Vanderhyden.

B. ROLL CALL/EXCUSED ABSENCES

REDEVELOPMENT AUTHORITY MEMBERS PRESENT: Bob Stevens, Kim Vanderhyden, Ald. Jim Englebert, Gail Popp and Kip Golden

REDEVELOPMENT AUTHORITY MEMBERS EXCUSED: Linda Kennedy and Susan Schrage

OTHERS PRESENT: CDD Keil, PP Homan, Ald. Klein, Dave Wuestenberg, Ald. Chris Klein, Brad DePasse, Elizabeth Ringgold, Amy Rockwell, Patrick Conner, Karen Schlieve, Lisa Cruz, Jim Weidert and Tom Werth

C. MINTUES TO APPROVE

1. **Minutes of the January 25, 2012 Redevelopment Authority Meeting**

Motion by Ald. Jim Englebert, seconded by Bob Stevens to approve the January 25, 2012 Redevelopment Authority meeting minutes.

The motion carried.

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

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

No one spoke

E. COMMUNICATION

1. **None**

F. DISCUSSION

1. **Presentation of Real Estate & Marketing Proposals for Lake Park Area:**

a. **Ark Media Group (5:05 PM)**

Commissioners Discussed:

- Meetings with real estate brokers and other stakeholders.
- Past experience working on real estate projects.
- Process for brand development.
- Content of deliverables.
- Approach to sale of vacant land.
- Proposed budget

b. **Red Shoes PR (5:30 PM)**

Commissioners Discussed:

- Firm's status with regard to exclusive marketing for existing clients.
- Need for and amount of ongoing marketing budget.
- Potential content of promotional video.
- Newspaper as a marketing media.

- Timetable for developing a brand and marketing strategy.
- c. **Atomic Tribe (5:55 PM)**
Commissioners discussed:
- Proposal to engage other vendors (such as builders & landscapers) to help support marketing costs.
 - The cost for updating/maintaining a web presence.
 - The social aspect of social media as opposed to a sales approach.
 - Website maintenance.
 - The proposed process for and timetable establishing a brand and marketing strategy.
- d. **Blue Door consulting (6:20 PM)**
This firm elected not to make a presentation as they felt they didn't have the capacity to complete the work within the proposed timeline.

2. **Discussion of RDA Financial Resources**

CDD Greg Keil reported that the only source of revenue available to the RDA at this time was lot sales. The payments received from developers to this point for land transactions were about \$135,000. Offsetting expenses were mainly commission paid to brokers, and smaller amounts for preparing certified survey maps and other soft costs related to the land transactions. The balance of funds available to the RDA is about \$38,000. The RDA's obligation to the city for repayment on the mortgage on the land transfer is about \$330,000. Although some TIF increment will be generated this year, those funds won't be available until 2013.

Commissioners discussed the need for effective marketing and balancing that against the limited amount of funds available and the RDA's obligation to the city for mortgage payments.

3. **Discussion of Future Progress Reporting for RDA**

PP Kara Homan reviewed the practices of other communities with respect to reporting on RDA activities on the suggested quarterly reporting to the RDA and Common Council regarding the status of marketing efforts, fund balances and other substantive matters. It was the consensus of commissioners that quarterly reporting to the RDA by staff and by Menasha RDA to the Common Council would be appropriate.

F. ACTION ITEMS

1. **Selection of Preferred Marketing Proposal for Lake Park Development**

Chairman Vanderhyden asked each RDA member and advisor Dave Wuestenberg to offer comments on the presentations that were made by the respective firms.

Following discussion and in consideration of the comments by RDA members, Ald. Jim Engelbert made and Gail Popp seconded a motion to select Ark Media Group to prepare a brand and marketing strategy for the Lake Park Villas area at a cost not to exceed \$22,000, and authorize Chairman Vanderhyden to enter into an agreement on behalf of the RDA for that purpose. The motion carried.

2. **Lake Park Villas Listing Agreement for Coldwell Banker, the Real Estate Group**

PP Homan reported that staff had met with the brokers to review the original listing agreements. Several changes were made to the agreement with Coldwell Banker/the Real Estate Group as a result of these discussions including:

- Elimination of the additional \$50.00 per lot brokerage fee.
- Elimination of the Seller Disclosure Report
- Changing references from the "City of Menasha" to the "Menasha Redevelopment Authority" in the Additional Provisions line of the agreement.
- An increase to the co-brokerage commission.

Motion by Ald. Jim Engelbert, seconded by Bob Stevens to approve the listing agreement with

Coldwell Banker/the Real Estate Group with the addition of bi-monthly reporting to the RDA on sales and marketing efforts, subject to review and approval of the agreement by the City Attorney.

The motion carried.

3. **Lake Park Square Listing Agreement for Grub & Ellis | Pfefferle**

PP Homan reviewed the changes that were made to the original Grubb-Ellis/Pfefferle agreement as follows:

- Changing the reference to covenants and zoning codes on Line 22 of the agreement to “Municipal Code”.
- Adding a list of approved business types as an addendum.
- Bi-monthly reporting to the RDA on sales and marketing efforts.

Patrick Connor from Grubb&Ellis/Pfefferle commented that there would need to be an understanding between the broker and the RDA with respect to the amount of commission owed in the event of a sale with a discounted purchase price.

Motion by Gail Popp, seconded by Ald. Jim Engelbert to approve the listing agreement with Grubb&Ellis/Pfefferle subject to review and approval by the City Attorney.

The motion carried.

ADJOURNMENT

Motion by Gail Popp, seconded by Kip Golden to adjourn at 7:55 p.m.

The motion carried.

Minutes respectfully submitted by Greg Keil, Community Development Director.

**BY-LAWS AND RULES OF PROCEDURE OF THE
REDEVELOPMENT AUTHORITY
Of the City of Menasha, Wisconsin**

As adopted by the Redevelopment Authority on December 6, 2005, and
As approved by the Menasha Common Council on December 19, 2005

ARTICLE 1 – THE AUTHORITY

Section 1 – Constitution of Authority. The name of the Authority shall be The Redevelopment Authority of the City of Menasha.

Section 2 – Office of Authority. The office of the Authority shall be the City of Menasha Community Development Department, City Hall, 140 Main Street, Menasha, Wisconsin, 54952.

Section 3 – General Rules. The Authority shall be governed by Wisconsin Statutes and as the same may hereafter be amended; by all ordinances of the City of Menasha as they relate to the Authority, and as such ordinances may hereafter be amended; and by the By-Laws set forth herein. All provisions of Wisconsin Statutes, or ordinances of the City of Menasha as may be enacted from time to time, shall take precedence over these By-Laws. The Authority shall exercise all powers conferred, and perform all duties imposed by Wisconsin Statutes and ordinances of the City of Menasha and shall perform such further and other duties as may be properly required by the Common Council. Specific action taken related to the following powers shall be subject to review and approval by the Common Council:

- a. Acquisition and transfer of real estate.
- b. Exercise of powers of eminent domain.
- c. Issuance of debt.
- d. Establishment of an annual budget.

ARTICLE 2 – OFFICERS

Section 1 – Officers. The officers of the Authority shall be a Chairperson, Vice-Chairperson, Executive Director, and Treasurer. The Authority may appoint at its discretion such other officers as may be deemed necessary.

Section 2 – Chairperson. The Chairperson shall act as presiding officer of all meetings of the Authority, and shall be elected from among the commissioners at the meeting of the Authority in May of each and every year. The Chairperson shall have the right to vote and make motions; shall rule on matters of procedure, subject to appeal from such rulings by proper motion; and shall conduct the meetings in accordance with these By-Laws.

Section 3 – Vice-Chairperson. The Vice-Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson. The Vice-Chairperson shall be elected from among the commissioners at the meeting of the Authority in May of each and every year.

Section 4 – Executive Director. The City of Menasha Community Development Director shall act as the Executive Director and Secretary of the Authority. The Executive Director is an ex-officio member of the Authority with the right to participate in all deliberations and actions thereof, but shall not have the power to vote on any matters that may come before the Authority. The Executive Director shall manage and supervise the administrative operation of the Authority in accordance with the direction of the Board. The Executive Director shall also (a) execute

documents, in conjunction with the Chairperson, on behalf of the Authority; (b) keep the minutes of the meetings of the Authority; (c) ensure that all notices are duly given in accordance with the provisions of these By-Laws or as otherwise required by law; (d) serve as custodian of the records of the Authority; and, (e) in general, perform all duties incidental to the operation of the Authority. The Executive Director may delegate to an appropriate person the responsibility for recording the minutes of the meetings of the Authority.

Section 5 – Treasurer. The City of Menasha Comptroller/Treasurer shall perform the duties of Treasurer of the Authority. The Treasurer is an ex-officio member of the Authority with the right to participate in all deliberations and actions thereof, but shall not have the power to vote on any matters that may come before the Authority. The Comptroller/Treasurer shall have the care and custody of all funds of the Authority. Such funds shall be deposited in the manner provided by law in the name of the Authority in such banks as designated as official depositories for City of Menasha, as authorized by the Common Council. The Comptroller/Treasurer may properly commingle and invest Authority funds with City funds, provided that a concise and accurate accounting record of the Authority's funds is maintained. The Comptroller/Treasurer, City Clerk, and Mayor or Common Council President by original signature or authorized facsimile shall sign all orders and checks for the payment of money and shall pay out and disburse such monies under the direction of the Authority, as submitted by the Executive Director. The Comptroller/Treasurer shall keep regular books of accounts showing receipts and expenditures and shall render to the Treasurer of the Authority, monthly, an account of his or her transactions and also the financial condition of the Authority.

Section 6 – Terms of Office, Vacancies. Officers shall be elected annually. Should the offices of Chairperson or Vice-Chairperson become vacant, the Authority shall elect a successor from its membership at the next regular meeting, and such election shall be for the remainder of the unexpired term of said office.

ARTICLE 3 – MEETINGS

Section 1 – Annual Meeting. The annual meeting of the Authority shall be held the first Tuesday of May of each and every year.

Section 2 – Regular Meetings. Regular meetings shall be held at a place, time and date established by the Authority.

Section 3 – Special Meetings. The Chairperson may, when deemed expedient, and shall, upon the request of two members of the Authority, call a special meeting of the Authority for the purpose of transacting only that business designated in the call. No other business shall be considered at such a special meeting. All meetings of the Authority shall be called and held in accordance with the Open Meetings Law, Chapters 19.81 through 19.98 of the Wisconsin Statutes.

Section 4 – Quorum. The powers of the Authority shall be vested in the commissioners thereof. Four commissioners shall constitute a quorum for the purpose of conducting business.

Section 5 – Conduct of Business. All meetings of the Authority shall be conducted in accordance with parliamentary procedure as determined by the most recent edition of Robert's Rules of Order.

Section 6 – Voting. In the event that any member shall disqualify himself or herself to vote on any matter, he/she shall, nonetheless, be counted in determining whether a quorum is present, but his/her disqualification shall not decrease the number of votes required for passage of any motion, resolution or the taking of any other action.

ARTICLE 4 – LEGAL COUNSEL

Legal Counsel. The Menasha City Attorney/Human Resources Director shall act as legal counsel to the Authority, consulting with outside legal authority as needed. Said provision of legal counsel shall be subject to any potential conflict of interest with regard to representation of the City of Menasha. The City Attorney/Human Resources Director is an ex-officio member of the Authority with the right to participate in all deliberations and actions thereof, but shall not have the power to vote on any matters that may come before the Authority.

ARTICLE 5 – SUBCOMMITTEES

Subcommittees. The Authority, by a majority vote of its members, may establish working subcommittees to review and act on matters relevant to community development, revitalization, and housing. The roles and responsibilities of such subcommittees shall be as prescribed by the Authority. Furthermore, the Chairperson, or the membership of the Authority by a majority vote of its members, may establish ad hoc groups for the purpose of study and review of issues as determined by the Authority. Such ad hoc groups shall have no power to act except to report findings and recommendations to the Authority.

ARTICLE 6 – AMENDMENTS

Amendments. Proposed amendments to the By-Laws of the Authority shall be in writing, and shall be delivered to all commissioners at least five days in advance of the date of the meeting when action on the proposed change(s) is scheduled. All action on the By-Laws shall be by a 2/3 vote of the total membership of the Authority and shall subsequently be approved by the Common Council on a simple majority vote.

Greg M. Keil

From: Patrick Connor [PatrickC@gepwi.com]
Sent: Wednesday, March 14, 2012 8:50 AM
To: Greg M. Keil
Subject: Language for listing agreement- Lake Park Square

Hi Greg,

Per our conversation, here is the suggested language.

The Commission shall be based on the purchase price. Recognizing that the RDA may reduce the purchase price to provide incentives to buyers, the minimum Commission shall be based upon 80% of the listed asking price.

Patrick D. Connor, SIOR

Commercial Real Estate Advisor

Grubb & Ellis | Pfefferle

200 East Washington St., Suite 2A, Appleton, WI 54911

Direct 920.560.5074 Fax 920.968.4300

Cell 920.419.3113

My Profile and Listings on LinkedIn.com

patrickc@gepwi.com

www.gepwi.com

www.siorwi.com

Independently Owned and Operated