

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  
PARKS AND RECREATION BOARD  
Council Chambers, 3<sup>RD</sup> Floor City Hall  
140 Main Street, Menasha**

**October 11, 2010**

**6:00 PM**

**AGENDA**

**A. CALL TO ORDER**

**B. ROLL CALL/EXCUSED ABSENCES**

1. Welcome New Members Sue Pawlowski and Steve Krueger

**C. MINUTES TO APPROVE**

1. [Minutes of the September 13, 2010 Park Board Meeting](#)

**D. PUBLIC COMMENT ON ANY MATTER RELATED TO CITY PARKS AND RECREATION**

Five (5) minute time limit for each person

**E. REPORT OF DEPARTMENT HEADS/STAFF/YOUTH LIAISON OR CONSULTANTS**

1. Park, Pool and Vandalism Report – PS Maas
2. Winz Park Staff Meeting Update – PRD Tungate, PS Maas, Chr. D. Sturm
3. Joint Meeting of City of Neenah and Town of Menasha Park Commissions and the City of Menasha's Park Board – PRD Tungate
  - A. Wednesday, December 8, 2010, 6:00 p.m., Whiting Boathouse

**F. DISCUSSION**

1. Review of 2010 Marina Season – Harbormaster Diane Schabach (available at meeting)
2. Ways of Recognizing Contributions of Previous Board Members Tom Konetzke and George Korth
3. [Review of Open Meetings Law Pertaining to Board Member Comments](#)

**G. ACTION ITEMS**

1. Recommend Raising the Marian Annual Slip Rental Rate from \$37.00 to \$37.50 per foot for 2011
2. Elect new Vice-Chair to Replace Tom Konetzke

**H. PUBLIC COMMENT ON ANY MATTER LISTED ON THE AGENDA**

Five (5) minute time limit for each person

**I. ADJOURNMENT**

**CITY OF MENASHA**  
**PARKS AND RECREATION BOARD**  
**Public Works Facility, Meeting Room Behind Front Counter, 455 Baldwin Street, Menasha**  
September 13, 2010  
**DRAFT MINUTES**

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**A. CALL TO ORDER**

Meeting called to order by Chr. D. Sturm at 6:00 PM.

**B. ROLL CALL/EXCUSED ABSENCES**

MEMBERS PRESENT: Chr. Dick Sturm, Ald. Mark Langdon, Lisa Hopwood, George Korth, Tom Konetzke, Nancy Barker and Ron Suttner

MEMBERS EXCUSED: None

OTHERS PRESENT: PRD Tungate, PS Maas, Anna Portelli representing the ThedaCare picnic

**C. MINTUES TO APPROVE**

**1. Minutes of the September 1, 2010 Park Board Meeting**

Moved by G. Korth, seconded by T. Konetzke to approve the minutes of the September 1, 2010 Park Board meeting. Motion carried 7-0.

**D. PUBLIC COMMENT ON ANY MATTER LISTED ON THE AGENDA**

Five (5) minute limit for each person.

1. No one spoke.

**E. REPORT OF DEPARTMENT HEADS/STAFF/ YOUTH LIAISON OR CONSULTANTS**

**1. Park, Pool and Vandalism Report – PS Maas**

PS Maas reported that work of the trail berm west of the Heckrodt Wetland Reserve is proceeding, finish grading will need to be done by a contractor, no mow grass will be planted on the berm along with some trees and shrubs. Marina decking and float replacement will begin this fall. Staff has identified an excellent, 100% recycled product at a very good price. Fall tree planting is being planned. October 1<sup>st</sup> is the deadline for a second Urban Forestry grant to be submitted. Part of the grant will be for replanting trees in poor or critical condition. Landscaping around the Memorial Building will be completed this fall. A water line pressure test scheduled for the pool. Staff is trying to determine the source of water leaks. Expansion joints are another possibility. A porcelain sink was damaged at Hart Park and was replaced with a stronger stainless steel one. Four people were issued eviction notices by the Park and Police Departments. The Police Department's video camera is now working at Hart Park. It is a record/playback unit, no live feed.

**2. Recreation and Pool Report**

PRD Tungate reported that negotiations are continuing with the YMCA regarding possible cost savings with the Y running the daily operations. It will take several more weeks to reach a resolution on this matter. A new "Bodies in Motion" kids tumbling and acrobatics class will begin in about a week. Registration has been good. Youth Flag Football started September 12. Menasha High School freshman football players serve as coaches. Hot dog vendor did well on the last day of the pool season. It is expected that a written agreement will be in place with River Dogz prior to next season.

**F. DISCUSSION ITEMS**

**1. Winz Park**

The future of Winz Park was discussed. There are maintenance issues with cracks in the recreation surface decking and drains along the east and west walls. Before seeking neighborhood input on the need to continue or change the recreation offerings in the park, a maintenance needs assessment and costs will be explored by staff from Menasha Utilities and the Parks and Recreation Department. Staff will keep the Board apprised of progress on this matter.

2. **Matters Related to the 2011 Department Budget Proposal**

The focus of the 2011 budget was on progress of the regional park effort. PRD Tungate reported that staff from the Town of Harrison, Appleton and Menasha recently met. The outcome was the identification of two new parcels that seemed to have potential and would still meet locational needs of all three communities. The original site will still be considered, even though the owner has not indicated a willingness to sell. The group will meet again after contact has been made with owners of all three properties. L. Hopwood suggested the idea to consider starting with a smaller land acquisition and then add to the size of the park in the future. PRD Tungate will pass this idea along to the other communities.

3. **Tour of Equipment Garage**

PS Maas led a tour of the maintenance storage areas at the city garage and described equipment that is typically used by the park crew.

**G. ACTION ITEMS**

1. **Request by ThedaCare to Hold Large Company Picnic – September 18, 2010 in Jefferson Park – Anna Portelli and Others**

Details of the ThedaCare picnic were discussed with Anna Portelli from Premier Events, a company that runs the event. Moved by G. Korth, seconded by N. Barker to approve the ThedaCare picnic set for September 18, 2010 in Jefferson Park. Motion carried 7-0.

**H. PUBLIC COMMENT ON ANY MATTER LISTED ON THE AGENDA**

Five (5) minute time limit for each person.

1. T. Konetzke asked about the Board's Youth Liaison and applauded PS Maas for his work at Koslo Park.
2. G. Korth commented on the houseboat that has recently been parked along the shoreline at Jefferson Park.

**I. ADJOURNMENT**

Moved by L. Hopwood, seconded by R. Suttner to adjourn at 7:58 PM. Motion carried 7-0.

This will also go on agenda- it's a pretty long one.

-----Original Message-----

**From:** Jeffrey S. Brandt

**Sent:** Thursday, April 16, 2009 1:49 PM

**To:** Brian Tungate

**Subject:** RE: Park Board Agenda Questions

I copied the excerpt from the Municipality that I had previously shown you. As I have said, it is not appropriate. We have allowed it at CC meetings, but should not have. I gave a copy to the Mayor as well. Basically, allowing this would give members of a Board the opportunity to evade the Open Meetings Law. The Board has the right to create its own agenda. The CC has always had a reprise to give citizens the opportunity to comment on what they have just seen. That could either, you did good or you did bad. To combine them would make the reprise useless. If the Board wanted to eliminate the reprise, they could. Jeff

-----Original Message-----

**From:** Brian Tungate

**Sent:** Thursday, April 16, 2009 11:13 AM

**To:** Jeffrey S. Brandt

**Subject:** Park Board Agenda Questions

Jeff:

Couple questions came up at the last meeting. I explained to the Board the law about discussing items not on the agenda and how as a Board member they are in an official capacity and treated different than members of the public that would like to speak at the meeting. Follow up question: Just as we do for the Council meeting, can a Park Board member during Public Comment, step down for a moment from their official capacity, state their name and address and then comment on any matter of concern to the city or what was on the agenda? I realize if they can do this, we are not supposed to engage that person or answer a question. This would have to be placed on future agenda.

Also, I presume the Board is free to establish the order of the agenda as the chairman sees fit. Could the two agenda items- Public Comments on any matter of concern to the City and Public Comments on any item listed on the agenda be combined into one item. It would read something like: Public Comments on any item listed on the agenda or on a matter of concern to the City. If that is not possible, can we list these two items in any order we wish on the agenda? I discussed this briefly with Debbie and it appeared there was no ordinance that stated the agenda order for the Park Board.



# Asked Questions

## LEGAL

by arrest or issuance of a warrant on the entire width of a highway and on the entire intersection of such a highway and a highway located in adjacent jurisdiction. This action does not extend a city's jurisdiction outside the boundaries of this state.



and another city/village irrespective of whether the city or village boundary covers all or none of the boundary highway.

**2. Can a member of a governmental body, as a member of the public, bring up items not specifically designated on the agenda under the period of noticed public comment allowed by the Open Meetings law?**

No. Wisconsin Statute sec. 19.84(2) provides a limited exception to the general notice requirements of the Open Meetings law which allows members of the public to bring up items not specifically designated on the agenda during a period of noticed public comment. It is intended to allow local governments to be responsive to their constituents and to allow the governing body to receive information from members of the public. However, it was not intended to allow members of governmental bodies to bring up items for discussion without placing the items on the agenda and giving notice to the public. Given that members of governmental bodies have ready access to agendas of the body, use by members of the public, use by members of the public, 19.82(4) exception to discuss unnotified matters will likely be seen as an impermissible attempt to circumvent the notice requirements of the Open Meetings law.

**3. Must a village or city hold a referendum election on an issue**

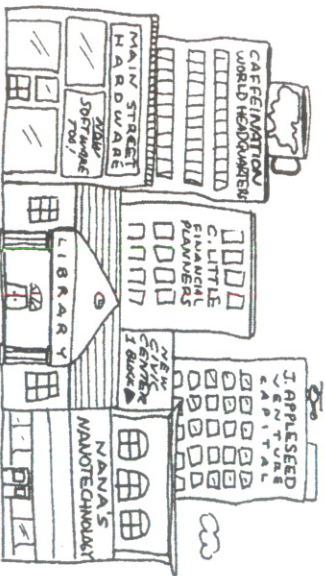
merely because a resident or group of residents requests one by petition?

No. The instances in which a resident or resident group may compel a governing body to hold a referendum election using a petition or otherwise are limited to those circumstances specified by state law or local ordinance. For example, state law requires that a referendum be held in some annexation actions if a sufficient number of qualified petitioners file a referendum petition. Wis. Stat. sec. 66.021(5)(c). Likewise, a referendum would result from a proper petition for direct legislation (see Elections 593 for an in-depth discussion of direct legislation petitions) and the governing body failure or refusal to adopt the proposed ordinance or resolution. Sec. 9.20(4), Stats. However, in the absence of a specific

**4.**

city statute, a referendum is not required. However, a referendum may be required by a local ordinance. If a local ordinance requires a referendum, the ordinance is enforceable. If a local ordinance does not require a referendum, the ordinance is not enforceable.

# Keep something good in the neighborhood.

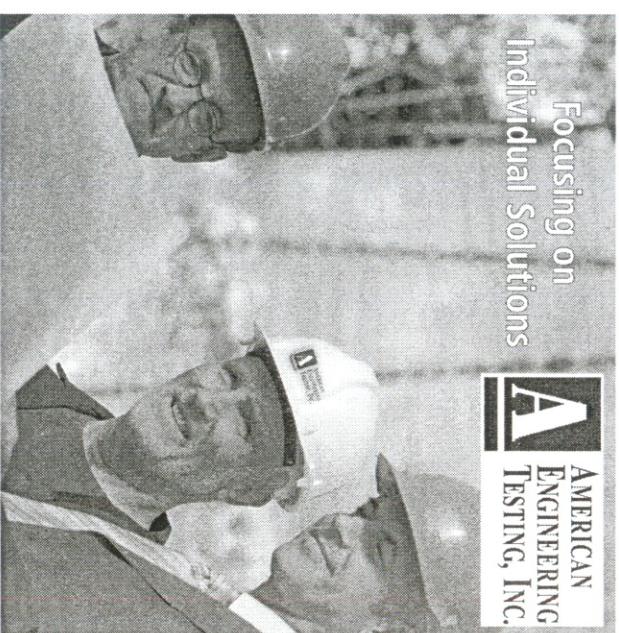


Libraries keep our communities growing strong. As an anchor for business development, they can even help turn around economically challenged

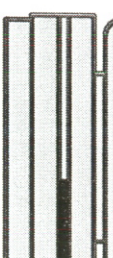
Focusing on Individual Solutions



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