

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 than any official action of any of those bodies will be taken).

**CITY OF MENASHA  
REDEVELOPMENT AUTHORITY  
Menasha City Center  
100 Main Street, Menasha  
Room 133**

**October 2, 2018**

**5:00 PM**

**AGENDA**

- A. CALL TO ORDER
- B. ROLL CALL/EXCUSED ABSENCES
- C. MINUTES TO APPROVE
  - 1. Minutes of the September 11, 2018 Redevelopment Authority Meeting
- D. PUBLIC COMMENTS ON ANY MATTER OF CONCERN ON THIS AGENDA  
(five (5) minute time limit for each person)
- E. DISCUSSION / ACTION ITEMS
  - 1. Offer to Purchase – Lot 10 and 11 Lake Park Square – Lake Park Swim and Fitness
  - 2. USDA Loan – Public Works Facility
  - 3. Lawson Canal
  - 4. Banta/RR Donnelley Property – 460 Ahnaip Street
  - 5. Set Next Meeting
- F. ADJOURNMENT

If you have questions, please call the Community Development Department at  
(920) 967-3650 between 8:00 AM – 4:00 PM, Monday through Friday.

**CITY OF MENASHA  
Redevelopment Authority  
100 Main Street – Room 133  
September 11, 2018  
DRAFT MINUTES**

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**A. CALL TO ORDER**

The meeting was called to order at 5:00 PM by Chairperson Kim Vanderhyden.

**B. ROLL CALL/EXCUSED ABSENCES**

REDEVELOPMENT AUTHORITY MEMBERS PRESENT: Kip Golden, Ald. Rebecca Nichols, Chairman Kim Vanderhyden, Matt Vanderlinden, Gail Popp, and Bob Stevens.

REDEVELOPMENT AUTHORITY MEMBERS EXCUSED:

OTHERS PRESENT: CDD Sam Schroeder, AP Joe Stephenson, ASD John Jacobs, Attorney Pam Captain, Lynelle Caine (Stantec), Todd Parker (Fish Fry Properties), Barb Stadler (3400 Cherryvale Ave #22, Appleton), Richard DeKleyn (Coldwell Banker), Mayor Don Merkes (City of Menasha), Ald. Tom Grade (District 6), Shane Correll (528 Riverway), Ald. Mark Langdon (District 4), Sandra Dabill-Taylor (545 Broad Street), Joel Seymour (3544 N Summit St, Appleton), and Ald. James Taylor (District 2).

**C. MINUTES TO APPROVE**

**1. Minutes of the June 4, 2018 Redevelopment Authority Meeting**

Motion to approve the June 4, 2018 Redevelopment Authority meeting minutes as presented made by Ald. Nichols, seconded by Comm. Stevens. The motion was carried.

**D. PUBLIC COMMENTS ON ANY MATTER OF CONCERN ON THIS AGENDA  
(five (5) minute time limit for each person)**

Alderman Mark Langdon asked for everyone to rise and observe a moment of silence to honor those who lost their lives in the September 11<sup>th</sup> attacks. (Moment of silence was observed)

Other public comments in regards to Banta/RR Donnelley Property at 460 Ahnaip were taken at the time of discussion.

**E. DISCUSSION / ACTION ITEMS**

**1. Offer to Purchase – Lot 130 of Lake Park Villas – 849 Fountain Way**

CDD Schroeder gave a quick overview of the proposed lot sale at 849 Fountain Way. Barbara Stadler offered to purchase the lot for full asking price (\$35,900). The Stadler's intended to use the lot as more yard space for their adjacent home and had no plans to ever build a house on the lot as they own and are currently constructing on the adjoining lot, 845 Fountain Way. Schroeder explained that per the Lake Park Villas Covenants, a restriction to construct a home within 12 months is required.

General discussion ensued over the offer to purchase. The Commission debated the merits of selling the lot to the Stadler's or waiting for an individual to purchase the lot that intended to build a home. The following topics were discussed at length:

- A home needs to be built within 12 months of purchase according to the covenants at Lake Park Villas.
- The City would lose tax revenue if the lot remained empty.
- Lot sales within this subdivision have been slow.
- Questioned how the Lake Park Villa Board of Directors would respond to such a request.

Ald. Nichols noted that she was concerned about the precedent the lot sale would set and felt that selling the lot did not meet the development goals, originally set forth in the Lake Park Villas Subdivision.

Comm. Vanderhyden made a motion to approve the offer to purchase with two contingencies.

- 1) A deed restriction would be put on the lot that would restrict 849 Fountain Way from being combined with any other lot.
- 2) The Home Owner's Association must also approve the lot sale.

The motion was seconded by Comm. Golden. The motion failed 3 -3.

Commissioners Gail Popp, Kip Golden, and Kim Vanderhyden voted in favor of the motion.

Alderman Rebecca Nichols, and Commissioners Bob Stevens and Matt Vanderlinden voted against the motion.

## **2. Fish Fry Properties – Summary and Next Steps**

CDD Schroeder gave an update and a quick background on the Banta site and Fish Fry Property's involvement in a potential new development. Currently Fish Fry Properties is under a 90 day memorandum of understanding with the RDA. During this 90 day period Fish Fry Properties has done extensive market analysis and put together a site plan. CDD Schroeder then handed the floor over to Todd Parker, representing Fish Fry Properties.

Todd Parker informed the RDA that his company has done a lot of research and market analysis for the Banta site. Todd is still very interested in moving forward with developing the four story section and high bay area. The building plan Todd presented has about seven (7) residential units per floor and calls for indoor parking in the high bay area. Todd indicated, however, that while they are interested in moving forward with this project, there are still concerns.

These concerns include the Lawson Canal, future access, and future utility. The ownership and environmental condition of the Lawson Canal needs to be determined before he can put shovels in the ground. Currently the Lawson Canal is under Sonoco's ownership and the Lawson Canal parcel goes right up to the side of the Banta building; making it impossible to put balconies on that face of the Banta building. In addition the canal is an eye sore and has possible contamination. Without ameliorating the issues presented by the canal, Todd feels they cannot provide high end above market rate apartments. Todd suggested that the RDA move to extend the memorandum of understanding and suggested the RDA/City take steps toward acquiring the Lawson Canal.

General discussion ensued with public feedback throughout the discussion. Topics covered include the following:

- The vision of Fish Fry Properties
- The extension of memorandum of understanding.
- Timeline for acquiring the Lawson Canal.
- Contamination level of the Lawson Canal.
- The building plan presented by Todd Parker.
- The vision for the overall Banta site.

Comm. Golden made a motion to recommend that Council consider the acquisition of the Lawson Canal. The motion was seconded by Comm. Stevens. The motion carried.

Comm. Golden made a motion to extend the memorandum of understanding between the RA and Fish Fry Properties for an additional 60 days. The motion was seconded by Comm. Vanderlinden. The motion carried.

**3. Banta/RR Donnelley Property – 460 Ahnaip Street**

**4. Banta Peninsula – Public Access**

AP Stephenson gave a brief background explaining that a number of complaints have been made regarding activities at the Banta Peninsula area underneath the bridge. Since the acquisition of this property from private to public ownership no regulations have been determined. A draft of rules similar to the rules posted at public Parks was presented for discussion. To establish these rules a sign could be placed at the entrance of the Banta Peninsula at the Racine Street Bridge.

Ald. Nichols made a motion to approve the public space rules as presented by staff. The motion was seconded by Comm. Golden. The motion carried.

**5. Certified Survey Map - Community Way Right-of-Way Dedication**

CDD Schroeder gave a quick update on the proposed CSM and road construction of Community Way. A number of the parcels being requested for road right-of-way dedication are under the ownership of the RDA. As such the RDA must approve the CSM. When Community Way is finished it will provide a secondary access to Lake Park Villas Subdivision as well as make a number of commercial lots along Community Way more accessible.

A motion was made by Comm. Golden, seconded by Comm. Vanderhyden, to approve the Certified Survey map as presented. The motion carried.

**6. Set Next Meeting**

The next meeting was set for Tuesday October 2<sup>nd</sup> at 5:00PM

**F. ADJOURNMENT**

Ald. Nichols made a motion to adjourn the meeting at 6:54 PM. The motion was seconded by Comm. Stevens. The motion carried.

*Minutes respectfully submitted by AP Joe Stephenson.*

LAW OFFICES OF

**FRANZOI & FRANZOI, S.C.**

Joseph F. Franzoi (1909-1972)  
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September 25, 2018

**HAND DELIVERED TO:**

Mr. Sam Schroeder  
Community Development Director  
City of Menasha  
100 Main Street  
Menasha, WI 54952

**RE: Offer to Purchase Lots 10 and 11, Lake Park Square**

Dear Mr. Schroeder:

Our firm represents Lake Park Swim & Fitness, LLC and we are authorized to inform you that our client is offering \$100,000.00 for the purchase of Lots 10 and 11 of Lake Park Square Commercial Land. It is intended that the closing of this purchase be in the first week of January, 2019. My client is committed to development of these lots within five (5) years of the date of purchase. Failing to do so, they would offer these lots back to the City at their original purchase price. In the event that this is of interest to the City, please provide us with an offer to purchase or, in the alternative, we will prepare same.

Sincerely yours,

FRANZOI & FRANZOI, S.C.



Joseph F. Franzoi IV

JFF/cmh

# Lake Park Square Commercial Land For Sale

## Lake Park Road & Hwy 10/114



Lake Park Square is a 30-acre commercial campus integrated into the Lake Park Villas development. It is designed to support an array of professional office, business and personal services and retail uses. The many amenities include adjoining ponds, gardens and walking trails which enhance the business setting.

Nine fully improved parcels ranging in size from one to six acres are available. Larger parcels may be created by combining existing lots. The Lake Park Square development is owned by the Development Authority of the City of Menasha. The city provides a full range of services and facilities to meet the needs of business and residents alike.



**Newmark Grubb  
Pfeifferle**

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# Lake Park Square Commercial Land For Sale

## Lake Park Road & Hwy 10/114



### OPTIMAL UTILITIES

Menasha Utilities, a locally owned and operated utility, provides electric service to Lake Park Square. Menasha Utilities has developed services that help business increase energy efficiency, reduce direct electric expense and control capital costs in order to remain competitive. MU rates are among lowest in Northeast Wisconsin.

Natural gas service is provided by WE Energies. The Waverly Sanitary District supplies water and sanitary sewer. AT&T is the phone service provider for Lake Park Square.

LOT NUMBER	ZONING	SQUARE FEET	ACRES	ASKING
15	C-1 GENERAL COMMERCIAL ZONING	74,531	1.71	\$110,000
13	C-1 GENERAL COMMERCIAL ZONING	51,052	1.17	\$100,000
11	C-1 GENERAL COMMERCIAL ZONING	62,378	1.43	\$120,000
10	C-1 GENERAL COMMERCIAL ZONING	53,405	1.23	\$75,000
9	C-1 GENERAL COMMERCIAL ZONING	44,083	1.01	SOLD
8	C-1 GENERAL COMMERCIAL ZONING	60,948	1.40	SOLD
7	C-1 GENERAL COMMERCIAL ZONING	94,438	2.17	SOLD
4	C-1 GENERAL COMMERCIAL ZONING	82,651	1.90	\$83,000
3	C-1 GENERAL COMMERCIAL ZONING	251,820	5.78	\$195,000

### Neighbors to this development include:

- Lake Park SportsZone
- The Source Public House
- Lake Park Pub
- Little Inspirations Childcare Center
- Lake Park Swim & Fitness
- Gardens of Fountain Way
- Christ the Rock Church
- Northshore Country Club



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**BROKER DISCLOSURE TO NON-RESIDENTIAL CUSTOMERS**

1 Prior to negotiating on your behalf the Broker must provide you the following disclosure statement:

2 **BROKER DISCLOSURE TO CUSTOMERS**

3 You are a customer of the broker. The broker is either an agent of another party in the transaction or a subagent of another broker  
4 who is the agent of another party in the transaction. The broker, or a salesperson acting on behalf of the broker, may provide  
5 brokerage services to you. Whenever the broker is providing brokerage services to you, the broker owes you, the customer, the  
6 following duties:

7 ■ The duty to provide brokerage services to you fairly and honestly.

8 ■ The duty to exercise reasonable skill and care in providing brokerage services to you.

9 ■ The duty to provide you with accurate information about market conditions within a reasonable time if you request it, unless  
10 disclosure of the information is prohibited by law.

11 ■ The duty to disclose to you in writing certain material adverse facts about a property, unless disclosure of the information is  
12 prohibited by law (See Lines 47-55).

13 ■ The duty to protect your confidentiality. Unless the law requires it, the broker will not disclose your confidential information or the  
14 confidential information of other parties (See Lines 22-39).

15 ■ The duty to safeguard trust funds and other property the broker holds.

16 ■ The duty, when negotiating, to present contract proposals in an objective and unbiased manner and disclose the advantages and  
17 disadvantages of the proposals.

18 Please review this information carefully. A broker or salesperson can answer your questions about brokerage services, but if you  
19 need legal advice, tax advice, or a professional home inspection, contact an attorney, tax advisor, or home inspector.

20 This disclosure is required by section 452.135 of the Wisconsin statutes and is for information only. It is a plain-language summary of  
21 a broker's duties to a customer under section 452.133 (1) of the Wisconsin statutes.

22 **CONFIDENTIALITY NOTICE TO CUSTOMERS**

23 BROKER WILL KEEP CONFIDENTIAL ANY INFORMATION GIVEN TO BROKER IN CONFIDENCE, OR ANY INFORMATION  
24 OBTAINED BY BROKER THAT HE OR SHE KNOWS A REASONABLE PERSON WOULD WANT TO BE KEPT CONFIDENTIAL,  
25 UNLESS THE INFORMATION MUST BE DISCLOSED BY LAW OR YOU AUTHORIZE THE BROKER TO DISCLOSE PARTICULAR  
26 INFORMATION. A BROKER SHALL CONTINUE TO KEEP THE INFORMATION CONFIDENTIAL AFTER BROKER IS NO LONGER  
27 PROVIDING BROKERAGE SERVICES TO YOU.

28 THE FOLLOWING INFORMATION IS REQUIRED TO BE DISCLOSED BY LAW:

29 1. MATERIAL ADVERSE FACTS, AS DEFINED IN SECTION 452.01 (5g) OF THE WISCONSIN STATUTES (SEE LINES 47-55).

30 2. ANY FACTS KNOWN BY THE BROKER THAT CONTRADICT ANY INFORMATION INCLUDED IN A WRITTEN INSPECTION  
31 REPORT ON THE PROPERTY OR REAL ESTATE THAT IS THE SUBJECT OF THE TRANSACTION.

32 TO ENSURE THAT THE BROKER IS AWARE OF WHAT SPECIFIC INFORMATION YOU CONSIDER CONFIDENTIAL, YOU MAY LIST  
33 THAT INFORMATION BELOW (SEE LINES 35-36). AT A LATER TIME, YOU MAY ALSO PROVIDE THE BROKER WITH OTHER  
34 INFORMATION YOU CONSIDER TO BE CONFIDENTIAL.

35 **CONFIDENTIAL INFORMATION:** \_\_\_\_\_

36

37 **NON-CONFIDENTIAL INFORMATION** (The following information may be disclosed by Broker): \_\_\_\_\_

38

39 (INSERT INFORMATION YOU AUTHORIZE THE BROKER TO DISCLOSE SUCH AS FINANCIAL QUALIFICATION INFORMATION.)

40 **CONSENT TO TELEPHONE SOLICITATION**

41 I/We agree that the Broker and any affiliated settlement service providers (for example, a mortgage company or title company) may  
42 call our/my home or cell phone numbers regarding issues, goods and services related to the real estate transaction until I/we  
43 withdraw this consent in writing. List Home/Cell Numbers: \_\_\_\_\_

44 **SEX OFFENDER REGISTRY**

45 Notice: You may obtain information about the sex offender registry and persons registered with the registry by contacting the  
46 Wisconsin Department of Corrections on the Internet at: <http://offender.doc.state.wi.us/public/> or by phone at 608-240-5830.

47 **DEFINITION OF MATERIAL ADVERSE FACTS**

48 A "material adverse fact" is defined in Wis. Stat. § 452.01(5g) as an adverse fact that a party indicates is of such significance, or that  
49 is generally recognized by a competent licensee as being of such significance to a reasonable party, that it affects or would affect  
50 the party's decision to enter into a contract or agreement concerning a transaction or affects or would affect the party's decision  
51 about the terms of such a contract or agreement. An "adverse fact" is defined in Wis. Stat. § 452.01(1e) as a condition or occurrence  
52 that a competent licensee generally recognizes will significantly and adversely affect the value of the property, significantly reduce  
53 the structural integrity of improvements to real estate, or present a significant health risk to occupants of the property; or information  
54 that indicates that a party to a transaction is not able to or does not intend to meet his or her obligations under a contract or  
55 agreement made concerning the transaction.

No representation is made as to the legal validity of any provision or the adequacy of any provision in any specific transaction.

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