

Town of Menasha
Utility District Commission Regular Meeting
Municipal Complex - Assembly Room - Monday, January 8, 2007

Minutes

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

President Arden Tews called the meeting to order at 5:00 p.m., followed by the Pledge of Allegiance. Present were Commissioners McQuillan, Hanson, and Youngquist. Commissioner Jurgensen was excused. Also Present: Interim Administrator McCants; Finance Dir. Piergrossi; Com. Dev. Dir. Dearborn; Secretary Tweedie; Engineer Werner; Accts. Mgr./Deputy Treas. Pagel; Wastewater Supt. Laabs; Water Supt. Roth Barb & Dale Knaack; Eugene Grundy; Ralph Grundy; Emil Bigalke; Melvin & Carol Schultz; Pam & Randy Mueller; P. Dobberke; Allen & Patti Haase; Mike King, Post-Crescent Reporter

2. AWARDS/PRESENTATIONS

3. PUBLIC FORUM

Those wishing to speak: Ms. Barb Knaack, 2379 Irish Road, expressed her sentiments about the inception of the northwest interceptor project and sought answers to some questions previously asked. (Letter attached)

4. DISCUSSION ITEMS

5. OLD BUSINESS

6. NEW BUSINESS

a) 070108-1:UD Expenditures

MOTION: Youngquist/McQuillan to approve the expenditures as submitted. Motion carried.

b) 070108-2:UD Appointment to the Neenah-Menasha Sewerage Commission

MOTION: Hanson/McQuillan to approve the appointment. Motion carried with Commissioner Youngquist abstaining.

7. ORDINANCES/POLICIES/AGREEMENTS

8. APPROVAL OF MINUTES

a) Regular Meeting - December 18, 2006

MOTION: Hanson/McQuillan to dispense with the reading of the above minutes and approve as submitted. Motion carried.

9. CORRESPONDENCE

10. REPORTS

a) Water Superintendent Roth - Gave an update on northwest interceptor Irish Road installation for the next leg of this project and stated work will begin next Monday (Jan. 15). Reported the number of water breaks are low and roads are in good shape with having the unusually warmer weather.

b) Wastewater Superintendent Laabs - Gave an update on the Pierce flow meter, expressed concerns with the 42% lower reading of the meter as compared to the old flow meter, and plans to speak with Pierce soon (see memo attached). Supt. Laabs will place this discussion item on the next meeting.

11. MOTIONS BY COMMISSIONERS

At 5:15 p.m., on roll call, convened into closed session pursuant 19.85(1)(g) of the WI Statutes; 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, specifically to discuss a Notice of Appeal concerning area-wide special assessments for the northwest interceptor sanitary sewer main extension. On roll call, motion carried.

Present were President Tews, Commissioners McQuillan, Hanson, and Youngquist, Attorney Koehler, Secretary Tweedie, Interim Administrator McCants, and Finance Director Piergrossi. Excused was Commissioner Jurgensen.

A Notice of Appeal of the area-wide special assessments was filed with Winnebago County Circuit Court by Allen and Patti Haase and a group of property owners, against the Town of Menasha Utility District, and the appeal was discussed.

At 6:04 p.m., MOTION: Hanson/Youngquist, pursuant to WI State Stat. 19.85(2), may reconvene into open session to act on any business discussed in closed session.

12. ADJOURNMENT

At 6:05 p.m., MOTION: Hanson/McQuillan to adjourn. Motion carried.

Respectfully submitted,

Karen J. Tweedie, Utility District Secretary

January 8, 2007

UD - P.F. 1/8/07

Over a year ago the decision was already made to go forward with the project called the Northwest Interceptor. One month later February 13th the affected residents would be invited to a special meeting informing them of this project and to give their point of view. The residents were against the Special Assessment Fee and voiced their opinions. You, the Board voted and it was passed 3 to 2 in favor of the project, with the tie breaking vote coming from our Town Chairman.

Discussions amongst the Residents began immediately which always ended with lots of unanswered questions.

Why did the Board vote yes when the affected Residents were against the Special Assessment Fee?

Why were 42 residents being assessed for Town property?

Why was the project in process even before the affected residents had a chance to voice their opinion?

Why weren't proper procedures followed?

Who was the Town trying to accommodate? This was of no benefit to current residents!

What was told to us by the Planning Director, former Town Administrator, and Town Attorney made us, the residents, feel like a bunch of country bumpkins with no education or a brain and that we do not have the capability to understand what planning or future planning mean.

We country bumpkins are educated and are willing to fight for the rights of our Town and the rights of its residents.

We have analyzed the Special Assessment Fee and have determined that the purpose is General and not Local. The benefit is not to the current residents but to future residents that will improve the Town more then it will benefit the local residents being assessed. Case laws tells us that the effect of the benefit must be capable of realization in a reasonable amount of time . It must be reasonable to all effected properties. **This** Special Assessment Fee does not fit the case law.

Does a municipality have any authority to reconsider a previously approved special assessment?

Yes, Section 66.0703 (8), Stats., specifically authorizes the governing body of a municipality that decides to reconsider and reopen any assessment to, amend, cancel or confirm a prior assessment after giving notice as provided in section 66.0703, Stats., and after a public hearing.

We the Residents, that are being assessed the Special Assessment Fee **are asking** you the Board to take the right step and do what is right and legal. We are asking you to reexamine and reconsider Resolution 060213-1:UD as Section 66.0703(8) allows you to do.

Thank You for listening.

Barb Knaack