

**Town of Menasha Special Meeting  
Fall Organizational Workshop  
Fire Station #40 - 1326 Cold Spring Road - Training Room  
Friday, November 9, 2007 - 7:30 a.m.**

**Minutes**

Town Chair Arden Tews called the meeting to order at 7:30 a.m. Present were Chairman Tews, Supervisors McQuillan, Hanson, McNamee and Youngquist, Administrator Sturgell, Dir. of Finance Piergrossi, Dir. Comm. Dev. Dearborn, Clerk Tweedie, Asst. Fire Chief Phillips, Police Chief McCants, Assistant Assessor Telfer, Street Supt. Gallow, Wastewater Supt. Laabs, Fire Chief Kiesow @ 7:44, Atty. Rossmeissl of Herrling Clark Law Firm @ 11:00, Network Admin. Plagenz @ 11:30, and Admin. Asst./Human Res. Coord. Burrill @ 11:30.

**1. STORMWATER REPORT - 7:30 am to 9:25 am**

Administrator Sturgell discussed the three phases in the formation of a utility; 1- Drafting of the stormwater ordinance which would involve Comm. Dev. Dir. Dearborn and Assoc. Planner Mommaerts.

2- Developing REU (Residential equivalency units) standards for impervious surfaces (surfaces of houses, businesses) and how to deal with vacant land; maintenance of ponds; leaving industrial and commercial areas to take care of themselves. Administrator Sturgell stated the model must clearly define what would be pond maintenance and who would be responsible for the maintenance. It may require possible expansion of Town services for mowing around ponds by Utility seasonal workers. Supervisor McQuillan requested a tour to become familiar with all of the areas around the Town which contain ponds.

3- Developing a stormwater budget. Administrator Sturgell along with Street Superintendent Gallow explained how the Street Department's budget would be broken down by taking out 30% from the Street Dept. and moving it to the Utility District budget for stormwater. Fire Chief Kiesow explained that the Fire Department would have an issue with wet ponds being safety hazards and it would require the purchase of water safety equipment, should an emergency arise.

- *Drafting a Stormwater Plan and Land Acquisition* - A team is needed to purchase land and would include Assessors Eiberger and Telfer. The Town is now at 18.9% in removal of suspended solids, and a future goal of 40% must be reached. Supervisor McQuillan asked the process for forming a utility, and Director Dearborn answered that it would require a Public Hearing and the stormwater utility could immediately be formed and could then begin the collection of fees. Board members and staff discussed the need to move quickly due to mandates to form a utility, and discussed various ways for borrowing and methods to purchase land.
- *Parcels containing ponds for purchase* - Discussion ensued on the purchase of land, and choosing the best site for increasing the particulate reduction. Superintendent Gallow discussed the purchase of ponds, and becoming compliant by 2013. Supervisor McQuillan inquired as to whether this would be a joint effort by working with our bordering municipalities as our watersheds expand outside the Town. Administrator Sturgell and Director Dearborn stated that it has been a consideration. In addition to ponds, other methods were discussed such as rain barrels, rain gardens and street sweeping, although using these methods are not as easily achievable and take more time.

After the discussion, Community Development Director Dearborn presented board members with two new ordinances, Chapter 32 and Chapter 33 pertaining to storm water, which will be on the next Town Board meeting agenda of November 19 in order to give ample time for review prior to the meeting.

At 9:25 a.m. staff took a break.

**2. WATER RATE STUDY - 9:40 am to 11:00 am**

Finance Director Piergrossi gave a PowerPoint presentation of the water rate study and discussed water debt, and water rate comparisons with other municipalities. Three rates of return were discussed to include 6.5%, 7.0% and 7.5% and the different percentage rate increases that the Town could foresee. A board member inquired as to why there had not been a water rate study performed since 2001, and Finance Director Piergrossi explained. Supervisor Youngquist felt there should be incremental increases each year, although

Supervisor McQuillan stated she felt it should not rise just because of the CPI rise. Board members also recognize they are asking the townspeople for many financial things right now, but Finance Director Piergrossi stated the higher rate would allow the Town to pay off debts.

After discussion, Finance Director Piergrossi asked which one of the rates the Town Board members wanted to present to the PSC, and Chairman Tews asked for a consensus from the board:

Supervisor Youngquist - 7.5%

Supervisor McNamee - 7.0% with incremental increases annually, and only what was needed.

Chairman Tews - 7.5%

Supervisor McQuillan - 7.5%

Supervisor Hanson - 7.0%

The consensus from board members was 3-2 for the 7.5% rate of return.

Other rate file issues were suggested such as a change to the late fee, change to the billing cycle, charge for public fire protection (fire hydrants), charge for return visits for meter installations, implementation of a water lateral repair fund, raising the NSF fee, change in the recapture clause, and delinquency collection for water shut offs. Finance Director Piergrossi stated she will come up with a policy and present it to the board, and in the meantime, Supervisor Hanson stated she would obtain the City of Menasha's current policy as a sample. Finance Director Piergrossi explained the process which entails presenting it to Schenck, and a report to the PSC who will calculate rates and determine the rate of return. Thereafter, a public hearing will be held and rates will be implemented possibly by April or May of 2008.

Chairman Tews asked that Finance Director Piergrossi explain at the next Utility District meeting the water rate increase as being only on the water portion of their utility bill.

At 11:00 a.m., staff took a 10 minute break.

### 3. ADULT BUSINESS-CASE LAW & STUDIES REVIEW - 11:10 am to 12:15 am

Attorney Andy Rosmeissl of Herrling Clark Law Firm was present at the meeting to review with board members case laws and court cases in order for the Town to adopt an ordinance on the issuance of liquor licenses to adult establishments. Supervisor Hanson made personal comments. Resident Jay Schroeder stated that the ordinance before the board today may be unconstitutional, and discussed. Should a board member be called to court, Attorney Rosmeissl stated they would be asked how the Town had come to their conclusions. The board is required to review other successful court cases and be able to base their conclusion/decision on other cases or studies. The first court case, Ben's Bar vs. the Village of Somerset, Attorney Rosmeissl stated was a model ordinance used in many places. Another case, California vs. LaRue was also discussed, although board members were encouraged to do their own research of finding court cases, reviewing them and coming up with their own conclusions. He suggested the starting point of the Town Board's analysis was to read the Hubert H. Humphrey Report (report of the Attorney Generals' working group on the regulation of sexually oriented businesses), pointing out particularly the Summary and Impacts found on pgs. 7 - 9.

The board will take time in doing their research and the ordinance may be placed on the agenda for the meeting of December 3rd.

A lunch break was taken at this time from 12:45 p.m. until 1:20 p.m.

### 4. MEETING PREPARATION AND CONDUCT - 1:20 pm to 1:44 pm

Administrator Sturgell discussed the Town's meetings and expressed that they be conducted in a professional manner. He asked whether board members have watched other municipal meetings and asked for any of their suggestions. Various comments were made on meetings within our immediate area and noted dress, formality, and addressing members with/without titles. Members encouraged usage of the podium when speaking, and commented on background noise as heard at the assembly table from other mikes and from the audience. Administrator Sturgell asked whether his internal memo would be more beneficial if received a day early on Thursday, and the Board felt there was no need for change. One Supervisor addressed approaching staff members with questions prior to meetings, and department head staff felt they would rather it be addressed early and welcomes it. Chairman Tews particularly felt board members have a better understanding at the meeting when approving the bills list, if discussed prior.

### 5. OTHER TOPICS

No other topics were discussed.

At 1:45 p.m., MOTION: Tews/McNamee to adjourn the special meeting. Motion carried.

Respectfully submitted,

Karen J. Tweedie, Town Clerk