

**Town of Menasha**  
**Special Meeting of the Town Board of Supervisors**  
**Public Hearing on Formation of a Stormwater Utility**  
**Municipal Complex - Assembly Room - Monday, June 22, 2009 @ 5:30 pm**

**Minutes**

**1. Call to Order**

Town Chair Arden Tews called the special meeting to order at 5:30 p.m. For the record, Clerk Backman took roll call and Board members present were Chair Tews, Supervisors Gerhart, Hanson, Ziegler and Youngquist. Also present were Administrator Sturgell, Finance Dir. Piergrossi, Dir. of Comm. Dev. Dearborn, Clerk Backman, Attorney Koehler, Engineer Carl Sutter, Assessor Eiberger, Parks Dir. Kading, Street Supt. Gallow, Network Admin. Plagenz, Assoc. Planner Hull. Others present were Josh Woodside, Bruce Sherman - AZCO, Inc., Melvin Schultz, John Coughlin - Coldwell Banker, D. R. Gabel, Paul Eisen, Harrison Sturgis Jr., Glenn Keyes - Keyes Plumbing, Mike Willett - Neenah Paper Inc., Jay Meyerhofer & Todd Schuh- Outlook Group, Ron Vanden Hooyan, Jay Schroeder, Mike Lettier, Joe Nemecek, LuAnne Adank, Duane Fox - Warehouse Specialists Inc., David Melum & Bob Bingen- Michels Corp., Dennis Jochman, Guy Hegg

**2. Presentation on Stormwater Utility**

Administrator Sturgell explained the need in the Town for management of stormwater and additional revenue source to meet DNR mandates for stormwater particulate reduction. Discussed was the proposed Municipal Code Chapter 35 which establishes the utility and will fulfill the State requirement. Admin. Sturgell named the governing body of the Stormwater Utility Commission to include the Town Chairman who will serve as President, and Town Supervisors to serve as Commissioners, and Comm. Dev. Director to serve as the administering authority. The basis of the charge of ERU's (equivalent residential units) was explained as well as the components of the Stormwater Utility to include the customer classes, proposed policies, ERU fees, credits/adjustments, appeal process, and billing/collection. Admin. Sturgell discussed the transfer of stormwater assets from the Town to the Stormwater Utility, debt service liability for the Palisades Pond project and 2008 stormwater borrowing transferred to the Utility as well as the Stormwater Utility repaying the Town for past payment of the Palisades Pond project and 2008 Stormwater borrowing of approx. \$600,000.

The proposed Credit Policy, Billing Policy, and Rates (revenues/expenditures) were discussed in detail. Comparisons of annual local stormwater fees in surrounding municipalities were given.

Admin. Sturgell stated the proposed ERU fee, Credit Policy and Billing Policy discussed tonight would be placed on the agenda as resolutions at the next Town Board meeting of July 13, 2009.

The Stormwater Utility ordinance will go into effect on August 3, 2009; however, utility billing would begin **January 1, 2010**. Stormwater Utility Commission meetings would begin in August at 5:30 p.m. on regularly scheduled meeting nights, unless changed.

**3. Open Discussion**

Bruce Sherman of AZCO, Inc. asked whether Palisades pond was taken into account in the calculations; questioned future ponds/raises and Finance Dir. Piergrossi stated it was taken into account with 3-year projections, and the Debt Service account; asked if gravel surfaces are considered impervious, and Comm. Dev. Dir. Dearborn stated all gravel surfaces were reviewed but difficult to decipher on aerial photos, and would look at each parcel and make adjustments if needed. He further explained additional ways to reduce impervious surfaces. Admin. Sturgell also stated the Town would work with major businesses.

Josh Woodside, Lakeshore Dr. questioned assurance of the Town's ability to meet requirements for particulate removal, and Admin. Sturgell described the constantly changing requirements by DNR but stated we'd do our best, and alluded to the practicable alternatives discussed later in the meeting; Gave comments on proposed \$100 ERU fee/and increase in property taxes, and staff agreed as a part is coming off the tax levy and shifting the costs. He inquired about grants; No, they haven't been calculated in, but at the last meeting voted to apply for stimulus funds. Finance Dir. Piergrossi stated annually the rates will be reviewed for budgeting the following year.

Jay Schroeder, N. Lake St., discussed two newspaper articles; State taxes raised/Town tax increase; financing of Palisades pond; suggested a tax write-off of the \$600,000 for the stormwater utility costs; Doing a referendum question on the ballot. Admin. Sturgell stated it could be handled as a levy over-ride.

Joe Nemecek, Susan Ave., discussed two ponds built in Red Tail subdivision costing \$80,000 in 2005, and questioned whether they will be bought by the Town. Dir. Dearborn explained the intent of the Town to eventually take over the ponds, and stated there is a substantial cost for their maintenance. Mr. Nemecek also asked about rain barrel credits, to which Dir. Dearborn replied there would not be due to difficulty in tracking of rain barrels/rain gardens. He also commented on concerns of the financial impact of the stormwater utility and huge debts which are mounting.

Harrison Sturgis Jr., Rockwood Ln. asked if the Town were to attempt to purchase pond sites with an unwilling seller and there were condemnation of property, would a public hearing be required. The Assessor gave his opinion, though the Town's Attorney stated he would render an opinion the next day.

Guy Hegg, Dunning St., asked the fine for non-compliance by the Town to meet the deadline for removal of particulates, and Engineer Sutter stated, to his knowledge, he has not heard of fining. Mr. Hegg stated the Town should place it as a referendum question to the people or place it on the levy.

Josh Woodside, Lakeshore Dr., felt the Town should stand up to the DNR and say we won't comply; Admin. Sturgell acknowledged the Town has stood up, and would report the results later at the Town Board meeting.

#### 4. Close the Public Hearing

At 6:45 p.m., Chairman Tews closed the public hearing. A five-minute break was taken before beginning the regular Town Board meeting.

Respectfully submitted,

Karen Backman, Town Clerk

*Note: These minutes are not to be considered official until acted upon at an upcoming regular meeting, therefore, are subject to revision.*