

Town of Menasha Board of Supervisors Regular Meeting
Monday, November 23, 2009 - 6:00 p.m.
Municipal Complex – Assembly Room - 2000 Municipal Drive

Agenda

1. Call to Order, Pledge of Allegiance and Roll Call
2. Awards/Presentations
3. Minutes to Approve
 - a) Regular Town Board Meeting – November 9, 2009
4. Minutes and Correspondence to Receive
 - Minutes
 - a) Park Commission Minutes – September 23 and October 14, 2009
 - b) Board of Review Minutes – August 31, September 4, and September 21, 2009
 - Correspondence
 - a) 2010 Town Meetings Calendar
5. Public forum on any matters of concern to the Town. The public may comment; however, no action can be taken. *Five minute time limit per person on non-repetitive matters.* To address the Board, complete the Public Participation signup sheet.
6. Discussion Items
7. Unfinished Business
8. New Business- Resolutions/Ordinances/Policies
 - a) 091123-1:RES Conditional Use Permit – Piranha Paper – 2400 Holly Road
 - b) 091123-2:RES Change Order No. 1 and Final – 2009 Resurfacing
 - c) 091123-3:RES Rezoning – Fritse Park Floodplain
 - d) 091123-4:RES Re-appointment of the Town Clerk for a Three-Year Term
 - e) 091123-5:RES Re-appointment of the Town Assessor for a Three-Year Term
 - f) 091123-6:RES Expenditures
 - g) 091123-7:RES Issue Secondhand Dealer Licenses for 2010
 - h) 091123-1:ORD Amend Town of Menasha Municipal Code Appendix B – Fee Schedule *First Reading*
 - i) 091123-2:ORD Amend Town of Menasha Municipal Code Appendix C – Fines & Penalties Schedule *First Reading*
9. Reports
 - a) Chairman Tews – Special Joint Meeting of Town of Menasha, Town of Grand Chute, and Town of Greenville for Financing Grand Chute Menasha West Wastewater Plant Improvement Project—November 30, 2009 at 4:00 pm in the Town of Menasha Assembly Room
 - b) Community Development Director Dearborn – County Zoning Update
 - c) Clerk Backman – Circulation of Candidacy Papers
10. Motions by Supervisors
11. Adjourn

RES #091123-1

CONDITIONAL USE PERMIT – PIRANHA PAPER – 2400 HOLLY ROAD

WHEREAS, the applicant, Phil Rehberg of the Rehberg Group LLC, has applied for a Conditional Use Permit for Piranha Paper at 2400 Holly Road for a paper recycling, paper shredding and metal recycling company; and

WHEREAS, all of the processing will be done inside the building and there will be no loose outside storage of paper or metal; and

WHEREAS, staff finds that, with the conditions listed below, this Conditional Use Permit complies with Winnebago County's Town-County Zoning Ordinance and with the Town of Menasha's Future Land Use Map; and

WHEREAS, the Town of Menasha Planning Commission reviewed this item at their November 11, 2009 meeting, and recommended approval of the Conditional Use Permit with the following condition:

- Any loose material shall be in a container and any baled material shall be screened and not stored above the screening site line.

Planning Commission: 6 Aye 0 Nay 1 Excused 0 Abstain

NOW, THEREFORE BE IT RESOLVED, the Town of Menasha Board of Supervisors hereby recommends approval of the Conditional Use Permit with the above condition.

BE IT FURTHER RESOLVED, Winnebago County is hereby requested to approve the Conditional Use Permit with the above condition.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby requested to have a copy of this resolution forwarded to Winnebago County by or before November 30, 2009.

Adopted this 23rd day of November, 2009

Requested by: George Dearborn, Director of Community Development

Submitted by: Arden Tews, Town Chairman

Arden Tews, Town Chairman

Attest: Karen Backman, Town Clerk

RES #091123-2

AWARD CHANGE ORDER #1 AND FINAL - 2009 RESURFACING PROGRAM

WHEREAS, the Town of Menasha's 2009 operating budget includes the Resurfacing Program;
and

WHEREAS, on March 2, 2009, Northeast Asphalt, Inc. was awarded the bid in the amount of
\$397,438.40; and

WHEREAS, Change Order #1 and Final, reflects final quantities adjustment resulting in a
decrease in the contract amount of \$78,190.55, for a new total contract amount of \$319,247.85;
and

WHEREAS, it is the recommendation of Town Engineer Lee Reibold and Street Superintendent
Randy Gallow to approve Change Order #1 and Final to Northeast Asphalt, Inc., resulting in a
decrease in the contract amount of \$78,190.55, for a new total contract amount of \$319,247.85.

NOW, THEREFORE BE IT RESOLVED by the Town of Menasha Board of Supervisors to
approve Change Order #1 and Final – 2009 Resurfacing Program for a decrease in the amount of
\$78,190.55 to **Northeast Asphalt, Inc., W6380 Design Drive, Greenville, WI 54942**, for a new
total contract amount of **\$319,247.85**.

Adopted this 23rd day of November, 2009

Requested by: Randy Gallow, Street Superintendent

Submitted by: Arden Tews, Town Chairman

Arden Tews, Town Chairman

Attest: Karen Backman, Town Clerk

RES #091123-3

REZONING – FRITSE PARK FLOODPLAIN

WHEREAS, the Town of Menasha is conducting the Fritse Park Improvement Project; and

WHEREAS, the construction of a Comfort Station is a major component of the Improvement Project; and

WHEREAS, Winnebago County required the construction site of the Comfort Station be removed from a FEMA mapped floodplain as a condition of issuance of the Building Permit for the Comfort Station; and

WHEREAS, the Town of Menasha has requested a Letter of Map Amendment from FEMA that would remove a portion of Fritse Park from the floodplain; and

WHEREAS, the area proposed to be removed is a depressed area that is separated from the contiguous regional floodplain by a significant buffer of elevated land; and

WHEREAS, removing the depressed portion of Fritse Park from the floodplain will allow the park to be redeveloped to better serve the community; and

WHEREAS, the Town of Menasha Planning Commission reviewed this item at their November 11, 2009 meeting, and recommended approval of the rezoning:

Planning Commission: 6 Aye 0 Nay 1 Excused 0 Abstain

NOW, THEREFORE BE IT RESOLVED, the Town of Menasha Board of Supervisors hereby recommends approval of the rezoning.

BE IT FURTHER RESOLVED, Winnebago County is hereby requested to approve the rezoning.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby requested to have a copy of this resolution forwarded to Winnebago County by or before November 30, 2009.

ADOPTED this 23rd day of November, 2009.

Requested by: George Dearborn, Director of Community Development

Submitted by: Arden Tews, Town Chairman

Arden Tews, Town Chairman

Attest: Karen Backman, Town Clerk

RES #091123-4

RE-APPOINTMENT OF THE TOWN CLERK FOR A THREE-YEAR TERM

WHEREAS, the Town Board determined the Town Clerk's term would be adjusted to coincide with all other full time non-represented employees pay plans which begins on January 1 each year; and

WHEREAS, the Town Clerk's current term will end on December 31, 2009; and

WHEREAS, it would be in the Town's best interest that Town Clerk Karen Backman be re-appointed for a three-year term beginning January 1, 2010 through December 31, 2012.

NOW, THEREFORE BE IT RESOLVED that the Town of Menasha Board of Supervisors shall hereby re-appoint Town Clerk Karen Backman for a three-year term beginning on January 1, 2010 and ending December 31, 2012.

Dated this 23rd day of November, 2009

Requested by: Jeffrey Sturgell, Town Administrator
Submitted by: Arden Tews, Town Chairman

Arden Tews, Town Chairman

Attest: Karen Backman, Town Clerk

RES #091123-5

RE-APPOINTMENT OF THE TOWN ASSESSOR FOR A THREE-YEAR TERM

WHEREAS, the Town Board determined the Town Assessor's term would be adjusted to coincide with all other full time non-represented employees pay plans which begins on January 1 each year; and

WHEREAS, the Town Assessor's current term will end on December 31, 2009; and

WHEREAS, it would be in the Town's best interest that Town Assessor Richard Eiberger be re-appointed for a three-year term beginning January 1, 2010 through December 31, 2012.

NOW, THEREFORE BE IT RESOLVED that the Town of Menasha Board of Supervisors shall hereby re-appoint Town Assessor Richard Eiberger for a three-year term beginning on January 1, 2010 and ending December 31, 2012.

Dated this 23rd day of November, 2009

Requested by: Jeffrey Sturgell, Town Administrator

Submitted by: Arden Tews, Town Chairman

Arden Tews, Town Chairman

Attest: Karen Backman, Town Clerk

RES #091123-6

EXPENDITURES

WHEREAS, The Town of Menasha has outstanding invoices totaling: \$286,302.71

WHEREAS, the disbursements are categorized below & the detail is attached:

Pending:		
General Fund 2009	\$	74,480.17
Special Revenue Fund 2009	\$	64,323.10
Debt Fund 2009	\$	22,343.48
Capital Projects Fund 2009	\$	-
Trust & Agency Fund 2009	\$	-
Park Dept, Commission List/Special Process Checks	\$	7,715.60
Tax Special Process Checks	\$	-
General Fund Special Processed Checks	\$	117,440.36
Total:	\$	<u>286,302.71</u>

NOW, THEREFORE BE IT RESOLVED; that the Town of Menasha Board of Supervisors hereby authorizes the above expenditures to be paid by the Finance Department with the exception of _____.

Adopted this _____ day of _____, 2009

Requested by: Myra R. Piergrossi, Finance Director
Submitted by: Arden Tews, Town Chairman

Arden Tews, Town Chairman

Attest: Karen Backman, Town Clerk

RES #091123-7

ISSUE SECONDHAND DEALER LICENSES FOR 2010

WHEREAS, the annual secondhand dealer license applicants listed below have made proper application with the Town Clerk's office; and

WHEREAS, the Clerk's office submits the following for Town Board approval:

Kenneth H. Melchert for Harp Gallery - 2495 Northern Road
Harry Anderson for Anderson Resale Shop - 922 Appleton Road

NOW, THEREFORE BE IT RESOLVED that the Town Board of Supervisors hereby grants approval of the Secondhand Article and Jewelry Dealer Licenses above, pending satisfactory inspections, background checks, and a report from the Finance Department that all outstanding invoices and taxes have been satisfied, for the licensing period of January 1 through December 31, 2010.

Adopted this 23rd day of November, 2009

Requested by: Karen Backman, Town Clerk
Submitted by: Arden Tews, Town Chairman

Arden Tews, Town Chairman

Attest: Karen Backman, Town Clerk

ORD #091123-1:ORD *First Reading*

**AN ORDINANCE TO AMEND THE TOWN OF MENASHA MUNICIPAL CODE -
APPENDIX B FEE SCHEDULE FOR 2010**

The Town Board of Supervisors of the Town of Menasha do ordain as follows:

Part I. The Code entitled the "Town of Menasha Municipal Code", last revised on November 28, 2005, now consisting of Chapters 1 through 35, each inclusive, is adopted.

Part II. Sections within the Code which refer to Wisconsin Statute numbers as amended from time to time remain applicable incorporating all such amendments by the State.

Part III. All chapters within the Municipal Code Book of the Town of Menasha had previously been amended by removing all the fees, and placing these matters in what is now referred to as the 'Appendix B Fee Schedule' which is included as part of the Municipal Code.

Part IV. As of January 1, 2010, certain fees have been increased and are reflected on the attached Appendix B Fee Schedule for adoption.

Part V. All ordinances or parts of ordinances, contradicting the provisions of this ordinance, are hereby repealed. Amended Appendix B is hereby adopted.

Part VI. This ordinance shall take effect and be in full force from and after its passage and publication or posting.

Date Introduced: **November 23, 2009**

Date Adopted: _____

Requested by: Jeffrey Sturgell, Administrator

Submitted by: Arden Tews, Town Chairman

Arden Tews, Town Chairman

Attest: Karen Backman, Town Clerk

ORD #091123-2:ORD *First Reading*

AMEND THE TOWN OF MENASHA MUNICIPAL CODE - APPENDIX C FINES AND PENALTIES SCHEDULE FOR 2010

The Town Board of Supervisors of the Town of Menasha do ordain as follows:

Part I. The Code entitled the “Town of Menasha Municipal Code”, last revised on November 28, 2005, now consisting of Chapters 1 through 35, each inclusive, is adopted.

Part II. Sections within the Code which refer to Wisconsin Statute numbers as amended from time to time remain applicable incorporating all such amendments by the State.

Part III. All chapters within the Municipal Code Book of the Town of Menasha had previously been amended by removing all the fines and penalties, and placing these matters in what is now referred to as the ‘Appendix C Fines and Penalties Schedule’ which is included as part of the Municipal Code.

Part IV. As of January 1, 2010, certain fines and penalties have been increased and are reflected on the attached Appendix C Fines and Penalties Schedule for adoption.

Part V. All ordinances or parts of ordinances, contradicting the provisions of this ordinance, are hereby repealed. Amended Appendix C is hereby adopted.

Part VI. This ordinance shall take effect and be in full force from and after its passage and publication or posting.

Date Introduced: **November 23, 2009**

Date Adopted: _____

Requested by: Jeffrey Sturgell, Administrator

Submitted by: Arden Tews, Town Chairman

Arden Tews, Town Chairman

Attest: Karen Backman, Town Clerk