

Town of Menasha Regular Utility District Commission Meeting
Monday, December 14, 2009 - 5:00 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) Special Utility Commission Meeting – November 17, 2009
 - b) Regular Utility Commission Meeting – November 23, 2009
4. **Minutes and Correspondence to Receive**

Minutes - none

Correspondence

 - a) Water Main Breaks – November 2009
 - b) Water Pumpage Report – November 2009
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 Commission, complete the Public Participation signup sheet.
6. **Discussion Items**
7. **Unfinished Business**
8. **New Business- Resolutions/Ordinances/Policies**
 - a) 091214-1:UD Change Order No. 1 and Final Cost Adjustment for the 2009 Water Main Reconstruction Projects
 - b) 091214-2:UD Expenditures
 - c) 091214-1:ORD Amend Town of Menasha Municipal Code Chapter 28 Sewer and Water Public Utilities Commission, Adding Section 28.54 - Well Head Protection Ordinance *First Reading*
9. **Reports**
 - a) Administrator Sturgell – Grand Chute Menasha West Wastewater Treatment Plant Improvement Project Update
 - b) Water Superintendent Roth – Capital Projects Update
10. **Motions by Commissioners**

Motion to convene into closed session pursuant to WI Stats. 19.85(1)(g), specifically to discuss the Developer's Agreement for the Red Tail Crossing Subdivision.

Pursuant to WI Stat. 19.85(2), the Utility Commission will reconvene into open session to act on any business discussed in closed session.

 - a) Action on Modification to the Red Tail Crossing Subdivision Developer's Agreement
11. **Adjourn**

RES #091214-1:UD

CHANGE ORDER NO. 1 AND FINAL COST ADJUSTMENT FOR THE 2009 WATER MAIN RECONSTRUCTION PROJECTS FOR RACINE STREET, VALLEY ROAD, LINDA AVENUE, BONNIE DRIVE, SANDY LANE, AND MANITOWOC ROAD

WHEREAS, Don Hietpas & Sons, Little Chute, has completed all projects under the original contract of \$954,664.70; and

WHEREAS, the contract was increased by 15% to complete work on the Manitowoc Road water main, due to road paving in 2010; and

WHEREAS, Change Order No. 1 will increase the contract \$142,378.70 from \$954,664.70 to \$1,097,043.40.

NOW, THEREFORE BE IT RESOLVED by the Utility District Commissioners that Change Order No. 1 be accepted, and that the final contract amount be adjusted to \$1,097,043.40 for Don Hietpas & Sons, Little Chute, WI.

Adopted this 14th day of December, 2009

Requested by: Jeff Roth, Water Superintendent

Submitted by: Arden Tews, Commission President

Arden Tews, Commission President

Attest: Karen Backman, Utility Secretary

RESOLUTION #091214-2:UD
EXPENDITURES

WHEREAS, The Town of Menasha Utility District has outstanding invoices totaling: \$412,447.76

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

Pending:	
Enterprise Fund: Water 2009	220,192.00
Enterprise Fund: Waste Water 2009	66,299.39
Enterprise Fund Special Process Checks	125,956.37
Total:	<u>412,447.76</u>

NOW, THEREFORE BE IT RESOLVED; that the Town of Menasha Utility District Commission 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, Commission President

Arden Tews, Commission President

Attest: _____
Karen Backman, Commission Secretary

AMEND TOWN OF MENASHA MUNICIPAL CODE CHAPTER 28 SEWER AND WATER PUBLIC UTILITIES COMMISSION, ADDING SECTION 28.54 – WELL HEAD PROTECTION ORDINANCE

The Utility Commissioners of the Town of Menasha do ordain as follows:

Part I. Chapter 28 Sewer and Water Public Utilities Commission is hereby amended to add Section 28.54 Well Head Protection Ordinance as follows:

28.54 WELL HEAD PROTECTION ORDINANCE

- (1) Purpose. It is the purpose of this Ordinance to ensure a safe and sanitary drinking water supply for the Town of Menasha by the establishment of a well head protection zone surrounding the well heads for Well #5, Well #7, Well #3, Well #4, Well #6 and Well #8 by designation and regulation of property uses and conditions that may be maintained within such zones.
- (2) Applicability. This Ordinance applies to:
 - (a) East Side System Wells: Well #5 and Well #7
 - (b) West Side System Wells: Well #3, Well #4, Well #6 and Well #8
- (3) The regulations specified in this Ordinance shall apply within the boundaries of the Town of Menasha.
- (4) Protection Area Description. There is hereby established a restricted area to be known as a well head protection area, identified and described as all the area within 1,200 feet of the Town of Menasha Well #5, Well #7, Well #3, Well #4, Well #6 and Well #8.
- (5) Prohibited Uses or Conditions. Well #5, Well #7, Well #3, Well #4, Well #6 and Well #8 shall be adequately separated from potential sources of contamination. Unless a hydrogeologic investigation indicates lesser separation distances would provide adequate

protection of a well from contamination, the minimum separation distances provided shall be:

- (a) Fifty feet between a well and storm sewer main.
- (b) Two hundred feet between a well and any sanitary sewer main, sanitary sewer manhole, lift station or single family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current American Waterworks Association (AWWA) C600 specifications. In no case may the separation distance between a well and sanitary sewer main be less than 50 feet.
- (c) Four hundred feet between a well and a septic tank or soil adsorption unit receiving less than 8,000 gallons per day, a cemetery or a storm water drainage pond.
- (d) Six hundred feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Commerce (hereafter Commerce) or its designated agent under s. Comm 10.10, Wis. Adm. Code.
- (e) One thousand feet between a well and land application of municipal, commercial or industrial waste; boundaries of a landspreading facility for spreading of petroleum-contaminated soil regulated under ch. NR 718 while that facility is in

operation; industrial, commercial or municipal waste water lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil adsorption units receiving 8,000 gallons per day or more.

- (f) Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds ch. NR 140 enforcement standards that is shown on the Department of Natural Resources' geographic information system registry of closed remediation sites; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from Commerce or its designated agent under s. Comm 10.10, Wis. Adm. Code; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.
- (6) Existing Facilities. The standards in this section, not inconsistent with the provisions of Section 62.23(7)(h), Wisconsin Statutes shall apply to all existing lawful uses of a structure or building or its accessory use which is not in conformity with the provision of this Ordinance.
- (a) Use of Existing Facilities may be continued subject to the following conditions:
- (1) No modifications or additions to an Existing Facility shall be permitted unless made in conformity with provisions of this section. For the purposes of this section, the words "modification", in and "addition" shall include, but are not limited to,

any alteration, addition, modification, rebuilding or replacement of any such structure or use. Ordinary maintenance is not considered a modification or addition; and include internal or external painting, decorating, paneling and the replacement of windows, doors, and other non-structural components.

- (2) If use of an Existing Facility is discontinued for 12 consecutive months, any future use of the property shall conform with the appropriate provisions of this Ordinance.
- (3) Owners and/or operators of Existing Facilities shall provide copies to the Town Administrator of all federal, state and local reports of on-going environmental monitoring or testing.
- (4) Owners and/or operators of Existing Facilities shall provide to the Town Administrator environmental procedures or monitoring as deemed necessary by the Town of Menasha, which may include but are not limited to storm water runoff management and monitoring.
- (5) Ordinary maintenance shall be done by Existing Facilities in a manner that improves the existing environmental conditions already in existence.
- (6) Existing Facilities shall have the responsibility of filing with the Town of Menasha a contingency plan satisfactory to the Town of Menasha; provide immediate notification to the Town of Menasha of any emergency or event that has the potential to cause groundwater contamination.
- (7) In the event Existing Facilities causes the release of any

contaminants which endanger the Town's groundwater, the activity causing said release shall immediately cease with cleanup satisfactory to the Town of Menasha, including the payment of all cost of cleanup, Town of Menasha consultant fees, and administrative cost for oversight, review and documentation.

(7) Administration. The provisions of this Ordinance shall be administered and enforced collectively by the Town's Water Supervisor and the Community Development Director. All applications for building permits for properties within a 1,200 foot radius of a municipal well site shall be examined with regard to the setback distances established in this Ordinance.

(8) SEVERABILITY. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity shall not affect the above provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision of its application.

(9) PENALTIES. Anyone who violates the provisions of this Ordinance shall be subject to forfeiture as referenced in Appendix C. Fines and Penalties for this chapter. Each day of violation shall be considered a separate offense. In addition, the Town shall be entitled to injunctive relief, together with costs and reasonable attorney's fees for enforcement to the extent not prohibited by law.

Part II. All ordinances or parts of ordinances contradicting the provisions of this ordinance are hereby repealed.

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

Date Introduced: December 14, 2009

Date Adopted: _____

Requested by: Karen Backman, Utility Secretary
Submitted by: Arden Tews, Commission President

Arden Tews, Commission President

Attest: Karen Backman, Utility Secretary