

**Special Meeting of the Town of Menasha Board of Supervisors
Municipal Complex - Assembly Room - Monday, February 1, 2010**

Minutes

1. Call to Order

Town Chair Arden Tews called the meeting to order at 6:00 p.m. Everyone rose for the Pledge of Allegiance. Clerk Karen Backman was present and requested to take roll call. Present were Chairman Arden Tews, Supervisors Dennis Gerhart, Barbara Hanson, Gregory Ziegler, and Dale Youngquist, Administrator Jeff Sturgell, Comm. Dev. Dir. George Dearborn, and Street Supt. Randy Gallow. Also present were Brent Jalonen, Nick Hewitt, Kathy Pettis, Mike Simon, Mike Tobin, Joyce Lang, Ron Tank, Melvin Schultz, and Barb Knaack.

2. Discussion of Intergovernmental Agreement with City of Appleton Regarding Red Oak Ravine Improvements

Chairman Tews opened the discussion and explained to the residents that the issue of Red Oak Ravine would be presented by Administrator Jeff Sturgell in detail. After discussion by the Board concluded, the residents in attendance could pose any questions or comments to the Board.

Administrator Sturgell gave a Powerpoint presentation and explained the purpose of this meeting after residents recently expressed concerns about Red Oak Ravine and the effect on their property, the bank's erosion, the volume of water, the water velocity, and the obtaining of permanent limited easements. Maps were shown of the ravine along with photos taken last fall. He gave the history of the ravine which was a proposed Town project in the mid-90s, a proposed City of Appleton project in the early 2000's, and now residents are again expressing concern. The Town Board and staff held a meeting September 2, 2009 at the Community Center with the residents living in the ravine area. Thereafter, the Red Oak Ravine issue was placed on the September 28 Stormwater Utility Commission meeting agenda and once again discussed. Administrator Sturgell explained the City's Intergovernmental Agreement proposal, and further stated that before moving forward, all residents must first sign off on permanent limited easements. Items discussed were as follows:

- The City's construction cost is capped at \$1 million dollars after the permanent easements are obtained.
- Perform an Alternatives Analysis and split the cost 50/50 with the Town and City; have a timetable to keep the project moving.
- The Town would hire and hold the consultant contract.
- The City would reimburse the Town at its completion.
- There would be a separate agreement to be approved prior to design work commencing.

Other issues discussed were soliciting Requests for Proposals (RFPs) to do the Alternatives Analysis, the use of gabions for erosion control, contacting the DNR prior to moving forward to inquire about new regulations or rules, the timeline of the schedule to complete the analysis, design/easements, and finally construction.

Supervisors Ziegler and Gerhart commented on the schedule for actual construction in 2012 and wondered whether the project could be moved up to 2011, although the Board realizes it may take time for the City to place it back on their capital projects schedule, look at grants, and follow WI DNR's Chapter 30 to obtain the required permits.

When speaking about analysis costs, Administrator Sturgell suggested utilizing prior ideas as a way to save money. Supervisor Gerhart stated the Board should consider not limiting themselves to what has already been done but look at new ideas, get a new starting point and gather different possibilities. Supervisor Ziegler suggested the Town first contact the DNR before any funds are spent. Supervisor Youngquist felt spending should not be restricted to a dollar amount, and suggested a more aggressive deadline by moving up the project design, and obtain the easements as soon as possible to begin construction in 2011. Chairman Tews reminded the Board and staff after the review was completed, another Intermunicipal Agreement would have to be drafted with the City of Appleton.

Some of the residents affected were present and made comments.

Nick Hewitt, 2220 Gmeiner Road, stated he felt easements would not be obtained from residents until decisions were made on what the Town would do with the ravine.

Ron Tank, 3434 N. Bluemound Drive, who also owns a home on Meadow Green Drive, felt it was hard working with a ravine without having a detention pond for the water to flow into; feels a detention pond is needed but who would pay for it; if the City spent their \$1 million and the fix was unsuccessful, asked who would pay for it; questioned the possibility of legal issues if 100% of property owners don't provide easements, with one or two residents declining, and the funds are spent - he suggested staff contact all the residents who didn't attend this meeting to ask for their consensus.

Joyce Lang, 2208 Gmeiner Road, mentioned the (Appleton) border agreement and asked why the damage to the ravine has not been fixed; stated houses and trees are falling in (the ravine); felt the Town should force the City of Appleton to fix it; before signing anything residents should get a legal review of the situation. Supervisor Ziegler agreed that anyone can seek legal advice, but explained that the City must obtain all of the permanent limited easements to be allowed to perform the work.

Mike Tobin, 2206 Gmeiner Road, stated he is comfortable with signing easements knowing there would be an analysis done first, and then be shared with those affected residents; disagrees with installing gabions and explained.

Administrator Sturgell commented that he feels Appleton wants the problem fixed due to offering to fund up to \$1 million. But he also described fear of a 'catch 22' situation wherein the Town would expend funds for the analysis and not every resident would sign off on a permanent easement leaving the contractor unable to perform the work. Discussion ensued about the granting of permanent limited easements. Comm. Dev. Dir. George Dearborn stated easements have restrictions and would apply only to stormwater; no other purpose. Street Supt. Randy Gallow reiterated the importance of performing maintenance so that the ravine's conditions do not worsen in the future. Chairman Tews proposed the following:

- 1) Obtain RFPs to perform the Analysis;
- 2) Assign a time for project's completion;
- 3) Analysis cost would be split 50/50 with City of Appleton reimbursing the Town back;
- 4) Look at the results after analysis to determine the scope of the project;
- 5) Review the project with the residents;
- 6) Obtain the permanent limited easements from all residents.

Brent Jalonen of the Winnebago County Land & Water Conservation Dept., commented: the City will spend up to \$1 million on the project with the Town possibly unaware of the work performed; recommends placing funds into the design (and proposal); work on the language for the easements to include flexibility to withdraw if unacceptable; stated Chapter 30 of WI DNR NR152 is a stormwater erosion review and requires that easements be obtained.

Chairman Tews stated the Intergovernmental Agreement would be placed on the February 8 meeting agenda. He suggested inquiring with Appleton about moving up the project to 2011. Director Dearborn agreed to look into grants.

3. Adjournment

At 7:15 p.m., MOTION: Ziegler/Hanson to adjourn. Motion carried.

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.*