

# Town of Menasha

Municipal Offices ♦ 2000 Municipal Drive ♦ Neenah, WI 54956-5665

Town Board Approved July 24, 2000

## REGULAR MEETING OF THE TOWN BOARD OF SUPERVISORS Municipal Complex - Assembly Room Monday, June 26, 2000

**General Information**  
(920) 720-7171(24 hrs)  
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**Administrative Offices**  
(920) 720-7101  
Fax (920) 720-7112

**Assessor's Office**  
(920) 720-7102  
Fax (920) 720-7116

**Clerk's Office**  
(920) 720-7103  
Fax (920) 720-7116

**Community Development**  
Building (920) 720-7104  
Planning (920) 720-7105  
Fax (920) 720-7116

**Finance Department**  
(920) 720-7106  
Fax (920) 720-7116

**Municipal Court**  
(920) 720-7107  
Fax (920) 720-7116

**Park & Recreation**  
(920) 720-7108  
Fax (920) 720-7113

**Police Department**  
(920) 720-7109  
Fax (920) 720-7119

**Street Department**  
(920) 720-7110  
Fax (920) 720-7113

**Fire Department**  
Central Offices  
1326 Cold Spring Road  
Neenah, WI 54956-1108  
(920) 729-0931  
Fax (920) 720-7986

Fire Station #40  
1326 Cold Spring Road  
Neenah, WI 54956-1108  
(920) 729-0931

Fire Station #41  
Valley Road  
Menasha, WI 54952-1126  
(920) 731-9541

### MINUTES

Agendas with resolutions were posted at the Municipal Complex, Fire Station 40, Utility District, Appleton Public Library, Menasha Public Library, and Neenah Public Library.

#### I. CALL TO ORDER, PLEDGE OF ALLEGIANCE AND ROLL CALL

Town Chair Arden Tews called the Regular Meeting of the Town Board of Supervisors to order at 6:00 p.m. and led the Pledge of Allegiance.

Clerk Sprague noted the roll as follows:

#### PRESENT:

Arden Tews, Town Chair	Jeanne Krueger, Supervisor #1
Jerry Jurgensen, Supervisor #3	Carlene Sprague, Town Clerk
Brad Werner, Town Engineer	Roger Clark, Town Attorney
Bill Frueh, Interim Administrator	Myra Piergrossi, Dir. of Finance
George Dearborn, Dir. of Com. Dev.	Chief Weiss, Police Chief
Susan Phillips, Deputy Fire Chief/Marshal	
Ron Krueger, Parks Director	

#### EXCUSED:

Bob Sprague, Supervisor #2	Allen Nennig, Supervisor #4
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#### ALSO PRESENT:

Barbara Barczak	Jerry Nault	Jerry Todd
Russ Handevidt	Ron Voigt	Wm. Smith
Debra Smith	Todd Van Zeeland	Chuck Van Zeeland
Glenn Vickor	Ben Hamblin	Cathy Uttecht
Elwood Holtz	Steve Borsecnik	Jim Kriha
Mary Rauen	Jeff Schmidt	Lynn Kriha
Mike Lettier	Dave Fennessy	Mike Van Dyke

#### II. AWARDS/PRESENTATIONS – None

### **III. PUBLIC FORUM – NON-AGENDIZED TOWN RELATED MATTERS**

Town Resident, Jeff Van Handel reviewed Chapter 9 of the Town Ordinance on pet laws.

Town Resident, Elwood Holtz, 1604 Eugene Street and Town Resident, Cathy Uttecht, 1605 Eugene Street together inquired about a ditch enclosure for their street. Recently the cattails have grown in their ditch and cannot mow the lawn in this area.

### **IV. DISCUSSION ITEMS**

#### **A. Options for Cold Spring Road - Improvements**

Town Engineer, Brad Werner presented the road improvements for Cold Spring Road between Jacobsen Road and E. Shady Lane.

The cost calculations have not been complete because there are two storm sewer options that needed to be decided on. The best solution determined by Carl Sutter, Town Engineer's opinion would be the urban section with storm sewer Option I.

Interim Administrator, Wm. Frueh urged the Town Board to select Option I.

Chairman Tews stated that we are also looking at the cost for the residents along Cold Spring Road.

Street Superintendent Randy Gallow stated that we need to look at a plan and cost based on the existing assessment policy.

It was the consensus of the Town Board to have a public hearing (Informational Meeting) to decide which direction to proceed with at budget time.

### **V. OLD BUSINESS**

#### **A. 000522-12: Town Conditional use Permit - Van Zeeland Oil Co., Inc. (008-0231-04)**

MOTION: Supervisor Krueger, second Supervisor Jurgensen to adopt the resolution and approve the Town conditional use permit with the 11 conditions listed on the resolution. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

#### **B. 000424-1: Town Conditional Use Permit - U.S. Oil Co., Inc. - John Duggan (008-0224)**

MOTION: Supervisor Krueger, second Supervisor Jurgensen to adopt the resolution and refer the Town conditional use permit for 30 days. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

#### **C. 000522-15: Rezoning - William Sund - (008-0235)**

MOTION: Supervisor Krueger, second Supervisor Jurgensen to adopt the resolution and refer this rezoning application for 30 days. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

### **VI. NEW BUSINESS**

#### **A. 000626-1: Expenditures**

MOTION: Supervisor Jurgensen, second Supervisor Krueger to adopt the resolution and approve the expenditures with the exception of none. Motion carried unanimously, with

Supervisors Sprague and Nennig excused.

**B. 000626-2: Approval of Option and Ground Lease Agreement Nextel WI\*P Lease Corp.**

MOTION: Supervisor Krueger, second Supervisor Jurgensen to adopt the resolution and refer this resolution until July 10, 2000. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

**C. 000626-3: Authorization to Proceed with Renovation of the Old Town Hall**

MOTION: Supervisor Jurgensen, second Supervisor Krueger to adopt the resolution and authorizes the Director of Finance to use open space funds to offset the difference for this project. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

**D. 000626-4: Certified Survey Map - Ronald Voigt - (008-0120-00)**

MOTION: Supervisor Jurgensen, second Supervisor Krueger to adopt the resolution and approve the certified survey map as submitted. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

**E. 000626-5: Rezoning - Jeffrey Marlow - (008-0265[p] & 008-0265-03[p])**

MOTION: Supervisor Krueger, second Supervisor Jurgensen to defeat the resolution and deny the rezoning as submitted. Motion to defeat was (2-1) Jurgensen, Chairman Tews-No, Krueger-Yes and Supervisors Sprague and Nennig excused.

**F. 000626-6: Cond. Use Permit - Jeffrey Marlow - (008-0265[p] & 008-0265-03[p])**

MOTION: Supervisor Jurgensen, second Supervisor Krueger to defeat the resolution and deny the conditional use permit as submitted. Motion to defeat was (2-1) Jurgensen, Chairman Tews-No, Krueger-Yes and Supervisors Sprague and Nennig excused.

**G. 000626-7: Cond. Use Permit - Westra Construction Inc. - (008-0117-01)**

MOTION: Supervisor Jurgensen, second Supervisor Krueger to adopt the resolution and approve the conditional use permit if it meets all local, state and federal regulations. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

**H. 000626-8: Text Amendment to Sec. 17.32 Zoning Ordinance - Winnebago County Planning & Zoning Committee**

MOTION: Supervisor Krueger, second Supervisor Jurgensen to adopt the resolution and approve the Text Amendment as submitted. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

**I. 000626-9: Certified Survey Map - Crocus Estates LLC - (008-0206)**

MOTION: Supervisor Krueger, second Supervisor Jurgensen to adopt the resolution and approve the certified survey map as submitted. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

**J. 000626-10: Certified Survey Map - Valley Gateway Development - (008-0224)**

MOTION: Supervisor Krueger, second Supervisor Jurgensen to adopt the resolution and approve the certified survey map as submitted. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

**K. 000626-11: Approval of Final Plat for Wildlife Heights**

The conditions for approval were:

- 1). An environmental corridor be established along the northern portion of the plat, which includes preserving vegetation and trees.
- 2). Provisions shall be made as part of this plat for walkways/trails.
- 3). Approval of all agencies and other governmental entities with authority to object to a plat.
- 4). Dedication of outlot 1 as a public park as provided by the platting process.

Attorney Roger Clark suggested adding three more conditions:

- 5). *Compliance with roadway and utility installation requirements of the subdivision control ordinance including financial assurances by the developer of the subdivision.*
- 6). *No building construction or permits shall be issued until the Town Board determines compliance with all of the above conditions.*
- 7). *The Subdivision lots are required to maintain the detention pond with charge back provision.*

MOTION: Supervisor Krueger, second Supervisor Jurgensen to adopt the resolution and approve the Final Plat for Wildlife Heights by amending the resolution to include all 7 conditions. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

**L. 000626-12: Cond. Use Permit - WI Elec. Power Co. N of 1775 American Road - (008-0243)**

MOTION: Supervisor Jurgensen, second Supervisor Krueger to adopt the resolution and approve the conditional use permit with the conditions noted. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

**M. 000626-13: Annual Cigarette License**

A revised copy of the Annual Cigarette License was submitted to the Town Board. The following establishment was removed from the original resolution:

K.G. Gas & Food Mart, Inc.

MOTION: Supervisor Krueger, second Supervisor Jurgensen to adopt the revised resolution and approve the annual cigarette licenses as listed. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

**N. 000626-14: Annual Amusement License**

MOTION: Supervisor Jurgensen, second Supervisor Krueger to adopt the resolution and approve the annual amusement licenses as listed. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

**O. 000626-15: Annual Bowling License**

MOTION: Supervisor Krueger, second Supervisor Jurgensen to adopt the resolution and approve the annual bowling license to Sabre Lanes. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

**P. 000626-16: Annual Alcohol Beverage License**

A revised copy of the Annual Alcohol Beverage License resolution was submitted to the Town Board. The following establishment was removed:

K.G. Gas & Food Mart, Inc.

MOTION: Supervisor Jurgensen, second Supervisor Krueger to adopt the revised resolution and approve the annual alcohol beverage licenses as listed. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

**Q. 000626-17: Annual Salvage Yard Operators License**

MOTION: Supervisor Jurgensen, second Supervisor Krueger to adopt the resolution and approve the annual salvage yard operators licenses to Jahnke Auto Parts and Wisconsin Cycle Salvage. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

**R. 000626-18: Authorization to Establish a Speed Limit on West American Drive**

MOTION: Supervisor Jurgensen, second Supervisor Krueger to adopt the resolution and establish a 35 mile per hour speed limit for West American Drive. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

**S. 000626-19: Authorization to Establish a Speed Limit on Smoke Tree Road**

MOTION: Supervisor Jurgensen, second Supervisor Krueger to adopt the resolution and establish a speed limit of 35 miles per hour on Smoke Tree Road. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

**T. 000626-20: Approve Agreement with the City of Neenah**

MOTION: Supervisor Krueger, second Supervisor Jurgensen to adopt the resolution and refer this resolution to the next Town Board meeting. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

**U. 000626-21: Approve Agreement with Harry Olszewski - Contract Services for Tank Inspections, Installations and Removals**

MOTION: Supervisor Jurgensen, second Supervisor Krueger to adopt the resolution and approve the agreement with Harry Olszewski to perform the services as an agent for the Town of Menasha Fire Department. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

**V. 000626-22: Intermunicipal Agreement to Provide for Cost Sharing of Transit Service for the Elderly and Disabled**

MOTION: Supervisor Jurgensen, second Supervisor Krueger to adopt the resolution and approve the Cities of Appleton and Neenah and hereby directs the Town Chairman and Town Clerk to execute said agreement. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

**VII. ORDINANCES**

**A. 000626-1:ORD Amending Chapter 1, Section 1.05(8)(b)(c), Duties of Appointed Officials FIRST READING**

MOTION: Supervisor Jurgensen, second Supervisor Krueger to accept the first and second reading of the ordinance and adopt as submitted. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

**VIII. RESIGNATIONS/APPOINTMENTS**

**A. 000626-1:APP Amendment to Term of Service - Park Commissioner - Glen Allen**

MOTION: Supervisor Jurgensen, second Supervisor Krueger to adopt the resolution and approve the resolution to correct the term of service. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

**B. 000626-2:APP Appointment Police Communication Technician**

MOTION: Supervisor Jurgensen, second Supervisor Krueger to adopt the resolution and approve the appointment of Erica Aguilar as Communication Technician I effective July 10, 2000. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

**C. 000626-3:APP Appointment Police Commissioner**

MOTION: Supervisor Jurgensen, second Supervisor Krueger to adopt the resolution and approve the appointment of Robert Weyenberg to Police Commissioner to fill the unexpired term of former Police Commissioner Carl Wuornos. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

**IX. APPROVAL OF MINUTES**

**A. Regular Town Board Meeting – 4/10/00 - Resubmitted**

**B. Regular Town Board Meeting – 5/22/00**

**C. Special Town Board - 5/26/00**

**D. Special Town Board - 6/10/00**

MOTION: Supervisor Jurgensen, second Chairman Tews to accept the minutes as submitted. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

**X. CORRESPONDENCE**

**A. Municipal Court Report - May 2000**

MOTION: Supervisor Jurgensen, second Supervisor Krueger to accept the correspondence for filing. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

**XI. REPORTS**

**A. Town Administrator**

Wm. Frueh, Interim Administrator stated that the Town of Menasha Fire Department will be the 1<sup>st</sup> paid-on-call Fire Department in the state of Wisconsin to receive their accreditation. This award will be given out on August 25<sup>th</sup>. Chief Cox has been contacted and he said he would be honored to accept the award on the behalf of the Town of Menasha.

**B. Town Attorney –**

Roger Clark, Town Attorney has been asked to investigate the process of removing the Town of Menasha from Winnebago County zoning control. Attorney Clark would like to schedule a separate informational meeting to discuss the Town's options with the Town Board.

**C. Town Clerk – None**

**D. Town Board**

**1. Jeanne Krueger, Supervisor #1 –**

Supervisor Krueger will have a resolution for the July 10, 2000 Town Board meeting to present the Individual of the Year and Business of the Year Awards.

MOTION: Supervisor Jurgensen, second Supervisor Krueger to grant the year 2000 Individual of the Year award to Nancy McFadden, and Business of the Year award to George's Steak

House which will be presented at the July 10, 2000 Town Board meeting. Motion carried unanimously with Supervisors Sprague and Nennig excused.

2. **Robert Sprague, Supervisor #2** – Excused

3. **Jerry Jurgensen, Supervisor #3** –

Supervisor Jurgensen reported that the new trail along Hwy 150 (County II) is being used extensively.

4. **Allen Nennig, Supervisor #4** – Excused

**E. Town Chairman**

Chairman Tews reported on the progress of the GREAT program.

Chairman Tews and Interim Administrator Bill Frueh presented the option of moving the Clerk and Deputy Clerk into the Administration office.

Town Resident, Russ Handevitd questioned why the Town would move the Utility District from there present location.

Director of Finance, Myra Piergrossi stated that the work load issue would be more evenly distributed. A lot of their (Utility District) accounting is being done here. There are work issues being duplicated. This would eliminate the duplication.

**F. Other Town Officials**

**George Dearborn, Director of Community Development** –

Director Dearborn commented in regards to the new "Planning Commission Members". They met for the first time in June, and in his opinion, it was a very positive meeting.

**Myra Piergrossi, Director of Finance** – None

**Susan Phillips, Deputy Fire Chief / Marshal** – None

**William Weiss, Police Chief** – None

**Mike Lettier, Police Commission** – None

**XII. MOTIONS BY SUPERVISORS**

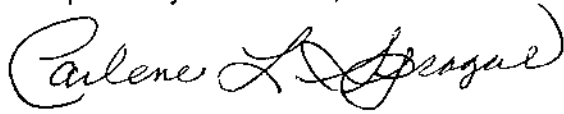
At 8:30 p.m., MOTION: Supervisor Jurgensen, second Supervisor Krueger to adjourn into closed session pursuant to 19.85(e) of the Wisconsin State Statutes; deliberating or negotiating the purchasing of public property, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Pursuant to 19.85(2), the Town Board may reconvene into open session to act on any business discussed in closed session. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

**XIII. ANNOUNCEMENTS – Same as on Agenda**

#### **XIV. ADJOURNMENT**

At 9:35 p.m., MOTION: Supervisor Jurgensen, second Supervisor Krueger to adjourn the regular meeting of the Town Board of Supervisors. Motion carried unanimously, with Supervisors Sprague and Nennig excused.

Respectfully submitted,



Carlene L. Sprague  
Town Clerk