

**Town of Menasha Utility District Commission Regular Meeting
Municipal Complex - Assembly Room - Monday, December 14, 2009**

Minutes

1. Call to Order, Pledge of Allegiance and Roll Call

President Arden Tews called the meeting to order at 5:00 p.m., followed by the Pledge of Allegiance. Secretary Backman took roll call. Commission members present were President Tews, Commissioners Gerhart, Hanson, Ziegler and Youngquist. Other departmental staff was also present. Others: 10 signed in as attended.

2. Awards/Presentations

3. Minutes to Approve

a) Special Utility Commission Meeting - November 17, 2009

b) Regular Utility Commission Meeting - November 23, 2009

MOTION: Gerhart/Ziegler to dispense from reading the minutes and approve as submitted. Motion carried.

4. Minutes and Correspondence to Receive

Minutes - none

Correspondence

a) Water Main Breaks - November 2009

b) Water Pumpage Report - November 2009

MOTION: Hanson/Ziegler to accept the minutes and correspondence for filing. Motion carried.

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.

There were no comments.

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 2009 Water Main Reconstruction Projects

MOTION: Youngquist/Gerhart to approve the increase of \$142,378.70 and the final contract amount of \$1,097,043.40 for Don Hietpas & Sons. Motion carried.

b) 091214-2:UD Expenditures

MOTION: Youngquist/Hanson to approve the expenditures in the amount of \$412,447.76 without exception. Motion carried.

c) 091214-3:UD Amend Town of Menasha Municipal Code Chapter 28 Sewer and Water Public Utilities Commission, Adding Section 28.54 - Well Head Protection Ordinance *First Reading*

MOTION: Youngquist/Ziegler to accept the First Reading as submitted. Amy Vaclavik of McMahon Associates was present to explain this DNR requirement to protect wells from potential contamination, and also explained all the conditions. Motion carried.

9. Reports

a) Administrator Sturgell - *Grand Chute Menasha West Wastewater Treatment Plant Improvement Project Update*: Adm. Sturgell gave a summary of the Special Joint Meeting held on Nov. 30, 2009 to approve the Town's loan documents for the joint GCMW Improvement project, gave the total project cost as well as the Town's portion of this project, and stated stimulus funds will offset half of the total project cost. Adm. Sturgell wanted to clear up questions from residents about having a sewer rate decrease, saying

rates will increase but grant monies will cut costs in half thereby resulting in an increase but not at the same rate were the Town to have not received the stimulus funds.

- b) Water Superintendent Roth - Capital Projects Update: Equipment will be shipped for well #7 the second week of January; installation of the new pump will be late Jan. or early Feb.; experienced problems with capacity loss on well #5 and will obtain a loaner pump until remedied.

10. Motions by Commissioners

At 5:25 p.m., MOTION: Youngquist/Ziegler 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. On roll call, all Board members voted unanimously to go into closed session.

At 5:26 p.m., Chairman Tews called the closed session to order. Present were all Board members, Administrator Sturgell, Clerk Backman, Comm. Dev. Dir. Dearborn, Finance Dir. Piergrossi, Attorney Koehler. The Developer's Agreement for Red Tail Crossing and the Letter of Credit were discussed along with options presented to the Commission.

At 6:00 p.m., MOTION: Youngquist/Ziegler to reconvene into open session pursuant to WI Stat. 19.85(2), to act on any business discussed in closed session.

a) Action on Modification to the Red Tail Crossing Subdivision Developer's Agreement

After discussion in closed session, Attorney Koehler read a list of proposed conditions to be met by the developer of Red Tail Crossing Subdivision:

- Four (4) lots will be pledged as a lean against the first mortgage;
- Assessment leans will be split on all outstanding lots, in equal amounts;
- Interest rate is continued at 5.67% for three (3) years 2010, 2011, and 2012;
- \$5,000 must be paid by Jan. 8 of each year for 2010, 2011 and 2012, and if not paid by year end of 2012, the balance will be imposed on these properties' tax bills;
- All real estate taxes would be brought current.

Attorney Koehler further stated if the Commissioners agree to all of the above provisions, he will prepare a draft agreement for the developer in an attempt to resolve this issue. If all of the above provisions are agreed to be met by the developer, the Town will release the Letter of Credit.

MOTION: Youngquist/Ziegler to work out an agreement with the owner of Red Tail Crossing in accordance with the terms the Town Attorney has outlined; and any final agreement is to be reviewed by the Town Attorney. On roll call, all Board members voted YES to all conditions as stated above. Motion carried.

11. Adjourn

At 6:04 p.m., MOTION: Youngquist/Hanson to adjourn. Motion carried.

Respectfully submitted,

Karen Backman, Secretary

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