

**Town of Menasha
Incorporation Review Ad Hoc Committee Meeting
Municipal Complex - Arden Tews Assembly Room
Tuesday, April 29, 2014 - 6:00 p.m.**

Minutes

1. Call to Order by Town Chairman Dale Youngquist

At 6:00 p.m. Town Chairman Dale Youngquist called the initial meeting of the Incorporation Review Ad Hoc Committee to order. Staff present were introduced: Clerk Karen Backman (acting secretary until committee appoints), Administrator Jeffrey Sturgell, Town Attorney Roger Clark, and Community Development Director George Dearborn. Winnebago County supervisors present were recognized. Some residents were in attendance.

2. Welcoming Remarks from Town Chairman Dale Youngquist

Chairman Youngquist announced that this was the first (organizational) meeting of the Incorporation Review Ad Hoc Committee. Chairman Youngquist introduced staff that were present and then named the members on this committee. Each member would have the opportunity to introduce themselves and provide background information.

3. Committee Introduction

a) Brief Background Presentation (1-2 minutes) from Each Committee Member

Martha Andrew, 1178 Pages Point: Neenah High School graduate; husband's family has owned land and lived in the Town of Menasha since 1849; worked as a paralegal; Theda Clark Hospital in administration; assistant to chief executive officer(s) when finally retiring from Banta Corporation corporate headquarters; served on the Town Board and the Winnebago County Board; during her retirement likes to vacation with her husband in the summer in Door County, in the winter in Mexico, and in spring and fall at their cabin in Oconto County; active in many town activities.

John Coughlin, 2211 Gmeiner Road: Born in Neenah, moved to City of Menasha and then to Town of Menasha; worked at Banta Printing until 1977, now continues to work in real estate and hopes to participate by bringing his real estate expertise to the committee.

Dick Jones, 2425 Stroebe Island Drive: Lived in Appleton from 1971 until about 12 years ago when he moved to the Town; began a career in the banking industry in Chicago, after 7 years moved to this area and worked at Appleton State Bank, Valley Bank and others; retired many years ago; involved in many community activities; has a degree in Finance.

Tim Raddatz, 510 Chain Drive: Moved to the Town of Menasha 10 years ago from Oshkosh; his wife is a nurse; he currently is a paid-on-call firefighter for the Town and is pleased to be living here; looks forward to working on the committee and for the future of the Town.

Jeff Renard, 1879 Cricket Court: Has been a resident 35-40 years; owns a business at 2405 S. Oneida Street; has been a Town Planning Commissioner for 8 years; served on an incorporation committee for the Town several years ago; feels he has a good perspective of the Town.

Pam Seidl, 838 Louise Road: Has lived in the Town for 22 years; served on trestle trail committee; member of Neenah Rotary; worked on redevelopment of Fritse Park; executive director of the Fox Cities Convention and Visitor's Bureau, and has gained experience with (19 municipalities in 3 counties) in initiating a signage and way-finding signs program and learned differences in incorporated versus unincorporated communities.

Joseph Nemecek, 1992 Susan Avenue: Background in real estate and development for 20 years; owned a trucking line; had served on the Town's Park Commission for 14 years; involved in many Town committees; open-minded and undecided on this issue.

4. Incorporation Informational Packet and Presentation - Administrator Jeffrey Sturgell

Administrator Sturgell gathered information on incorporation to present to the committee. An informational binder was delivered at the beginning of the meeting to each committee member. Contained within the binder is the committee's contact information, incorporation facts and processes, Town Population/Property Value statistics, list of State of Wisconsin Communities By Population (of 1,851 total communities, the Town of Menasha by population size is number 42 - so we are a large community), a preliminary list of Pros and Cons of Incorporation, town maps (Pop./Property Values, City of Appleton & City of Menasha Growth Areas, general map, Town Zoning Map 2013, Future Land Use Map 2006), state statutes/guidelines for the state reviewing the petition, and Town and City of Appleton border agreement documents. Administrator Sturgell explained all the binder's contents in detail. He would later give a PowerPoint presentation relaying some neutral, basic ground rules for the committee and explain their mission, housekeeping measures and basic, current laws. Open meeting rules, Town resources members may utilize, and positive/negative attributes to incorporation were reviewed. The administrator presented a technical overview of the incorporation process and steps moving forward. He stated the committee's mission, which consists of seven residents, was to research, discuss, gain input, and gather the pros and cons of the Town incorporating. The committee would meet for about one year and report back to the Town Board and citizens at the next Annual Town Meeting in April 2015. (Resolution number 140127-2:TB was passed on January 27, 2014 forming the committee - see attached.)

Administrator Sturgell explained that the committee must: follow open meeting rules; work with Clerk Backman in posting meeting agendas, follow Roberts Rules of Order (use of motions) when taking any action, be cautious of avoiding walking quorums. Rules were given regarding emailing between committee members - distribute information through the staff, be careful of social media and posts - work with the administrator and/or I.T. Director. Selection of committee officers/roles; chairman, vice chairman and secretary, was discussed. At this initial meeting the town clerk presided as secretary, but in the future upon selection of a secretary, that person will take minutes and distribute agendas and other committee information. Discussed were the use of Town resources such as meeting rooms, laptop computers, copying/mailing/folding machines, town vehicles for travel. Administrator Sturgell complimented Town Attorney Roger Clark for his many years of experience and with incorporation and stated he will be at the Town's and committee's disposal for any guidance needed. However, Administrator Sturgell encouraged committee members to bring all of their questions at one time to a meeting for everyone to hear their questions and answers; if there were a need to contact him directly, they were advised to go through the administrator. Some funding for incorporation is available for the committee's use if needed (the funds budgeted are primarily for moving forward with incorporation). Should the committee want under \$1,000 and it is clearly going along with the mission and goals of the committee, the administrator will approve it. However, if an amount over \$1,000 is desired, they must speak with the administrator as this requires Town Board approval.

The following was explained and discussed in detail: Pros and Cons of Incorporation.

PROS: border protection, annexation authority, zoning authority including shoreland, extra territorial authority, subdivision autonomy, complete village powers, tax increment financing (TIF) with no special restrictions, tax billing-without using the county, potential for improved bond ratings due to secure borders.

CONS: inability to incorporate entire Town in initial incorporation effort (unless state law changed).

PROS OR CONS DEPENDING UPON PERSPECTIVE: elimination of Town Meeting of Electors approval-roads, budget, land purchases/sales, authority to fund private enterprise without Town Electors' approval.

Steps to take in 2014 if we were to proceed with incorporation:

(Note: statutes dictate that the Town Board has no involvement with the process of incorporation other than the financing issues).

- Two electors (reside in town) and freeholders (have to own property in incorporated area) must publish a notice and accurate legal description of territory to be incorporated;
- No earlier than 10 days later, a petition for incorporation is circulated;
- A Petition must be signed by 50 electors and freeholders which is then filed in county circuit court;
- Circuit Court Judge sets hearing to determine if standards are met (standards described in ss. 66.0205), Judge sends petition to Dept. of Administration (DOA);
- Notices are sent to adjacent communities;
- \$25,000 fee paid before DOA investigation begins; once fee paid has 180 days to make recommendation;
- DOA investigates case in accordance with ss. 66.0207;

- DOA holds at least one public hearing within proposed incorporated area;
- DOA staff provides results of investigation to Incorporation Review Board who presents final recommendation to the head of DOA;
- If recommendation is for incorporation, the case goes back to the County Judge.
- Judge orders a referendum to be held;
- Electors in incorporated area vote *yes* or *no* for the incorporation (do not have to be freeholders);
- If majority votes *yes*, then the territory becomes incorporated;
- Current Board governs the Town until elections can be held to elect the new Village Council. (Any original Town Board members still in the remnant would remain Town Board members however any Board members who are in the Village would have to run for Village Council).

Administrator Sturgell explained various maps including a Town Population and Value Map; the Town currently has \$1.4 billion of equalized value, the west side has \$979 million of value, and values and populations of each "island". A Town Boundary Agreement Map (attached) was shown and where the legal boundaries are with the City of Menasha (red) and City of Appleton (yellow); they would not oppose incorporation should future boundaries remain as shown on the map. To the north and to the west of Hwy. 10/441 would not be intervened by the cities, but should the southeast area of Hwy. 10/441 be considered through incorporation efforts, this is the City of Menasha's per the border agreement. (This was later corrected by Attorney Clark who stated that in the City of Menasha agreement they have agreed not to annex beyond the Hwy. 441 boundary but wouldn't agree *not* to contest the incorporation). The City of Appleton boundary is Gmeiner Road with one side being authorized and the other side not. Administrator Sturgell stated that in the fall of 2012, he, Chairman Youngquist, Supervisor Hanson, Attorney Roger Clark and Director Dearborn visited the WI Department of Administration about incorporation. At their first glance at incorporation, they stated they would not support an initial incorporation effort in taking the east side portion - only the west side. They felt there was too much value (having the fire station and community center). Administrator Sturgell encouraged the committee to take a look at this. He also encouraged holding public forums to receive public input, meet with DOA staff, and meet with Attorney Clark and to bring forth any ideas they may have.

Administrator Sturgell took questions. Various committee members asked: whether we had agreements that preclude us from ever pursuing incorporation -- we can, within the boundary agreement. Are we strictly looking at becoming a village -- that is what our resolution says, city or village, but the attorney may have thoughts/benefits. Are there going to be committee alternates -- none at this time, but we can look at this. Do we have agreements with City of Neenah -- none. How large should the remnant be -- Attorney Clark stated large enough to support itself; have enough tax base, ability to contract for services, to care for themselves as a township.

Attorney Clark made comments on being approached about whether he participated in the original attempt to incorporate (during Esther Walling's term as chair 1978-81). At that time, he felt the Town of Menasha and its several pieces or "islands" (east side) could not successfully be incorporated, and thus they hired another law firm to pursue it. He did give some history on his attempt to incorporate Grand Chute in the 80's. In the case of Town of Harrison's recent incorporation, the City of Menasha's agreement stated they would agree not to contest the Town of Harrison's incorporation but didn't follow through with their agreement and contested it; they were taken to court - the judge agreed they could not contest it. Further, the City of Menasha and City of Neenah could potentially object and intervene on our attempts. Attorney Clark clarified that the committee must make a political decision and his involvement will only be to answer their legal questions; he will offer no opinions. He added that another advantage about incorporation missed earlier (and the WI DOA will note this) is that when you have a village, you have an identity. The amount of the Town involved (size of the incorporation) can be flexible depending upon how the committee looks at it, but according to the requirements of the DOA it must not be too large or they can turn it down; you may have to come back and do it over again in a smaller sized incorporation. Lastly, committee members were instructed on use of emails (public record) and encouraged not to communicate through the internet, but use meetings to pass on information. Attorney Clark stated that he would be glad to advise the committee with making decisions and recommendations, but at the point of presenting the incorporation to the DOA, the Town will need to hire a professional planner. He recommended that a planner come and speak with the committee first so they can confirm the appropriate steps are taken and move forward.

5. Questions and Discussion

Questions were asked and answered by Attorney Clark.

Committee member Martha Andrew asked whether her understanding was if our boundaries change, then can surrounding cities annex -- only if you are a town; we/they would not annex until 2018 when the agreement expires.

Supervisor Hanson asked whether addresses would stay the same -- we would be a village with a post office and anyone living in the village would have their address changed to that; school districts would stay the same.

Nancy Collentine, 1298 Mayer Street, asked for clarification of the City of Menasha agreement until 2018; if the west side incorporated, could the city annex the remnants on the east side before that time -- agreements are in place as long as we are a town; were a village created, the village assumes all of the assets that go along with the previous town which means they must also uphold that agreement until 2018. Remnants could go to the city at any time, but the agreement states the city would have to give up some of their own land. Chairman Youngquist stated he has met with the city mayors (Neenah and Menasha) for general discussions on the topic; if we would pursue incorporation, discussions would be held and attempts made to negotiate. He relayed to committee members and residents that the City of Menasha continues to annex town land from us now; 8 or more undeveloped parcels, allowable according to the border agreement without giving the Town back any land. Attorney Clark then explained an example of the Town of Harrison incorporation wherein they incorporated partially, agreed to change their boundaries, and the Town agreed the rest of the Town (remnants) would then become part of the village; it is in appeal however it is something to consider.

Joe Nemecek inquired whether the Suamico incorporation/annexation went through - Attorney Clark stated that it did, and others (Weston, Schofield) have followed in creating a village and then enlarging it; the DOA claims that when the primary village incorporates and then doubles in size, nothing can be done due to a loophole in the statute that allows this to happen. Attorney Clark gave another example of a law which says you cannot annex across a lake; however he referred to a Town map which shows a blue area covering the entire west side and a blue line which crosses the river to the east side; we would propose that the Town is contiguous.

Resident and County Supervisor Paul Eisen, 1807 Brighten Beach Road, asked the status of the utility district with incorporation, with a population of about 10,000 on the other side of the lake; it's separate yet serves City of Menasha and parts of Appleton and into Calumet County -- regardless of the change in incorporation, he felt all those in the utility district would remain the same.

6. Selection of Incorporation Review Ad Hoc Committee Chairperson

(Upon selection of Committee Chairperson the newly appointed Chair presides over remainder of meeting.)

At this point, Chairman Youngquist asked that a chairperson be appointed to the committee and asked for nominations.

Jeff Renard nominated Joe Nemecek as chair but he declined due to his schedule; he did offer to serve in the capacity of vice chair. Joe Nemecek then nominated Dick Jones as chair which he accepted. On voice vote, all voted yes unanimously.

At this point in the meeting, Chairman Jones presided over the meeting to appoint a vice chairperson.

7. Selection of Incorporation Review Ad Hoc Committee Vice-Chairperson

Chairman Jones asked for nominations to appoint a vice-chairperson. Martha Andrew nominated Joe Nemecek as vice-chair. On voice vote, all voted yes unanimously.

8. Selection of Incorporation Review Ad Hoc Committee Secretary

Chairman Jones asked for nominations to appoint a committee secretary. John Coughlin nominated Pam Seidl as secretary. On voice vote, all voted yes unanimously.

9. Future Meeting Dates and Business Discussion

Chair Jones stated that the committee should take time to look over the materials given to them this evening and study them; he proposed taking a couple of weeks before the next meeting. Secretary Seidl asked whether

she could send out a doodle poll (group e-mail) for scheduling meetings; she would be able to send several dates out to the committee members in order for all of them to see each one's availability. Later it was decided that this was a good option to use. Discussion ensued regarding various meetings regularly scheduled in the assembly room where they would like to hold future meetings. When asked when regular Board meetings were held, Chairman Youngquist reminded the committee that when Board members are present at the committee meetings, they would only be in the audience as observers/listeners. Administrator Sturgell suggested other facilities where meetings could be held such as the town's community center or fire department training room.

10. Set Next Meeting Date

The next committee meeting was set for **Wednesday, May 14 at 6:00 pm** however the location would be decided later based upon the availability of the assembly room as their first choice.

11. Adjourn

With no other discussion, at 7:33 p.m., the meeting was adjourned. After adjournment, Secretary Seidl spoke with Clerk Backman to make arrangements for sending future agenda items to her prior to each meeting and the posting of the committee meetings. It was decided that Secretary Seidl would email agenda items to the clerk who would create and post the agendas at all official posting sites including the town's website/calendar. The secretary would forward all meeting information to the rest of the committee members. All sets of committee minutes will be accepted at future Town Board meetings to be kept on record.

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.

