

It is expected that a Quorum of the Personnel Committee, Board of Public Works, and Administration Committee will be attending this meeting: (although it is not expected that any official action of any of those bodies will be taken)

**CITY OF MENASHA
Special Common Council
Third Floor Council Chambers
140 Main Street, Menasha
August 1, 2013
6:00 PM
AGENDA**

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL/EXCUSED ABSENCES
- D. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA
(five (5) minutes time limit for each person)
- E. ACTION ITEMS
 - 1. [R-10-13 Resolution Concerning Waverly Sanitary District](#)
- F. ADJOURNMENT

"Menasha is committed to its diverse population. Our Non-English speaking population and those with disabilities are invited to contact the Menasha City Clerk at 967-3603 24-hours in advance of the meeting for the City to arrange special accommodations."



Memorandum

To: Common Council
From: Greg Keil, CDD *GK*
Date: July 30, 2013
RE: Future Provision for Sewer and Water Service East of Oneida Street

The Waverly Sanitary District is currently providing sewer and water service to nearly all City of Menasha residents and businesses east of Oneida Street as well as to some residents of the City of Appleton and portions of the town and Village of Harrison. These services are provided under various agreements between the Waverly Sanitary District and the other entities and/or are provided in a manner authorized by statutes governing town sanitary districts. The City of Menasha is not represented on the Waverly Sanitary District Commission that governs the operation of the district.

Recent actions within the Town of Harrison have resulted in the incorporation of a portion of the town into the Village of Harrison. These actions have set into motion the operation of certain statutory provisions applicable to the boundaries of the Waverly Sanitary District and the apportionment of assets and liabilities related thereto. This memo is intended to outline the application of those provisions regarding the current situation in the town and Village of Harrison and to pose possible implications for the City of Menasha. Several of the relevant statutory provisions are paraphrased below:

- A town sanitary district may not include any territory located in a city or a village.
- Sanitary district commissioners, except in special circumstances, must reside in the sanitary district or be comprised of town board members.
- The incorporation or annexation of a portion of the territory within the town sanitary district detaches that territory from the district.
- The city or village and town sanitary district are to divide the assets of the sanitary district or enter into an intergovernmental cooperation agreement when a portion of the district is annexed or incorporated.
- The water and sewerage systems are to belong to and be operated by the district or the city or village in whichever the majority of the patrons reside on the date of annexation or incorporation.
- If the responsibilities for continued operation are vested in the district, it continues to operate, except by agreement, until the proportion of users change such that the majority of patrons reside in the city or village, at which time the property of the district and the operational responsible shifts to the city or the village.
- A procedure exists for the creation of an Apportionment Board to adjust the assets and liabilities of the entities upon division of territory.

- If a city or village secures a water or sewer system through these provisions, it is not required to provide service to areas outside its corporate limits, other than the territory that was within the sanitary district at the time of annexation or incorporation.

We have had a long standing relationship with the Waverly Sanitary District and have undertaken several cooperative initiatives to provide sewer and water service to areas within the City of Menasha as well as other jurisdictions. These agreements have enabled orderly growth and development within the service area.

The recent incorporation of the Village of Harrison triggered the provision regarding the shift in operational responsibilities, as the City of Menasha is now the entity with the majority of patrons. The associated apportionment of assets and operational responsibilities will require deliberations between the city and sanitary district. Other entities including the Village of Harrison, the City of Appleton, the towns of Harrison and Menasha and the Neenah Menasha Sewerage Commission will also need to be engaged with respect to service needs and existing obligations under other agreements.

It is in the interest of the City of Menasha to adopt a course of action to address these matters in a timely fashion. I urge the Common Council to adopt Resolution R-10-13 authorizing staff to engage in discussions with the affected parties relative to the disposition of the Waverly Sanitary District.

RESOLUTION R-10-13

RESOLUTION CONCERNING WAVERLY SANITARY DISTRICT

Introduced by Mayor Merkes

WHEREAS, for many years, Waverly Sanitary District, a town sanitary district created in 1972, located on the north shore of Lake Winnebago in Calumet County, has been providing water and sewer to an area east of Oneida Street; and

WHEREAS, the area served by the Waverly Sanitary District now includes areas located within the City of Menasha, the City of Appleton, the Village of Harrison and the Town of Harrison; and

WHEREAS, based on numbers provided by Waverly Sanitary District, prior to March 8, 2013 the Waverly Sanitary District served: 67 City of Appleton patrons, 898 City of Menasha patrons and 1003 Town of Harrison patrons; and

WHEREAS, as a result of the Town of Harrison's partial incorporation, effective March 8, 2013, based on numbers provided by Waverly Sanitary District, the Waverly Sanitary District now serves: 67 City of Appleton patrons, 240 Village of Harrison patrons, 763 Town of Harrison patrons and 898 City of Menasha patrons; and

WHEREAS, as a result of the Town of Harrison's partial incorporation, the majority of patrons serviced by Waverly Sanitary District reside in the City of Menasha; and

WHEREAS, Wisconsin Statute §60.79(2) provides that upon the incorporation or annexation of a part of a town sanitary district, the ownership and operational control of the district's water or sewerage system shall be transferred to the city in which the major portion of the district's patrons reside on the date of annexation or incorporation, unless other provision is made by agreement; and

WHEREAS, in the interests of ensuring that City of Menasha residents currently served by the Waverly Sanitary District have sufficient input into the ownership and operation of the water and sewerage system that serves them, the City of Menasha desires the orderly transition of ownership and operation of the water and sewerage system from the Waverly Sanitary District to the City of Menasha.

NOW THEREFORE BE IT RESOLVED, the City Clerk is directed to provide a copy of this Resolution to the Town of Harrison and Waverly Sanitary District as well as the Village of Harrison, City of Appleton and Neenah-Menasha Sewerage Commission and its members.

BE IT FURTHER RESOLVED, Waverly Sanitary District is respectfully requested to work with City of Menasha staff and other necessary parties to plan the orderly transition of the ownership and operation of the water and sewerage system from the Waverly Sanitary District to the City of Menasha.

BE IT FURTHER RESOLVED, the City of Menasha will continue to provide service to the areas currently served by the District.

BE IT FURTHER RESOLVED, Public Works Director Radtke is directed to provide a status report to the common council at its August 19, 2013.

Passed and approved this day of , 2013.

Donald Merkes, Mayor

ATTEST:

Deborah A. Galeazzi, City Clerk