

It is expected that a Quorum of the Personnel Committee, Administration Committee, and Common Council 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
Board of Public Works
Third Floor Council Chambers
140 Main Street, Menasha
August 3, 2009
7:00 PM
or immediately following the Administration Committee

AGENDA

A. CALL TO ORDER

B. ROLL CALL/EXCUSED ABSENCES

C. MINUTES TO APPROVE

1. [July 20, 2009](#)

D. ACTION ITEMS

1. [Street Use Application – Menasha High School Homecoming Parade; Friday, October 2, 2009; 5:30 PM – 6:10 PM](#)
2. [Street Use Application – St. Mary's Central High School Homecoming Parade; Friday, October 9, 2009; 5:00 PM – 6:00 PM](#)
3. [Change Order – DeGroot, Inc.; Third Street Water Main Replacement Project; ADD: \\$11,100.80; \(Change Order No. 2\)](#)
4. [Status Update on Tayco Stormwater Management Pond \(McMahon Group Presentation\)](#)
5. [Consideration of Initiating Single Stream Recycling Operations](#)
6. [O-17-09 An Ordinance Relating to Illicit Discharge and Connection](#)
7. [O-18-09 An Ordinance Repealing and Recreating Sections 9-4-8\(1\) and 9-4-9\(1\) & \(3\) of the Menasha Code of Ordinances](#)

E. 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."

CITY OF MENASHA
Board of Public Works
Third Floor Council Chambers
140 Main Street, Menasha
July 20, 2009
MINUTES

DRAFT

A. CALL TO ORDER

Meeting called to order by Chairman Taylor at 7:06 p.m.

B. ROLL CALL/EXCUSED ABSENCES

PRESENT: Ald. Pack, Hendricks, Zelinski, Benner, Pamerter, Taylor

EXCUSED: Ald. Wisneski and Englebert

ALSO PRESENT: Mayor Merkes, Atty Ryan Thompson, Lt. Styka, CDD Keil,
C/T Stoffel, PWS Jacobson, Ass PW Nieland, Clerk Galeazzi,
and the Press.

C. MINUTES TO APPROVE

1. [July 6, 2009](#)

Moved by Ald. Zelinski, seconded by Ald. Pack to approve minutes.

Motion carried on voice vote.

D. ACTION ITEMS

1. [Street Use Application – Race the Lake; Sunday, August 16, 2009; 7:30 AM – 8:30 AM; \(Midwest Sports Events and ARC-Winnebago County Disabilities\)](#)

Moved by Ald. Zelinski, seconded by Ald. Pack to recommend approval to Common Council
Motion carried on voice vote.

2. [Street Use Application – St. Joseph's Food Pantry Run/Walk; Saturday, October 31, 2009; 8:45 AM – 10:00 AM; \(Pacesetter's of the Fox Cities\)](#)

Moved by Ald. Pack, seconded by Ald. Pamerter to recommend approval to Common Council
Motion carried on voice vote.

3. [Street Use Application – Labor Day Parade; Monday, September 7, 2009; 9:30 AM–11:30 AM \(Fox Valley Area Labor Council\)](#)

Moved by Ald. Pamerter, seconded by Ald. Benner to recommend approval to Common Council
Motion carried on voice vote.

4. [Change Order – Badger Highways Co., Inc.; Contract Unit No. 2009-02; Appleton Street Asphalt Street Reconstruction; ADD: \\$6,130.11 \(Change Order No. 1 and Final\)](#)

When asked if this change order covers any grading or sidewalk repair, PWS Jacobson explained the engineering department has a separate contract for sidewalk repairs.

Moved by Ald. Pack, seconded by Ald. Hendricks to recommend approval to Common Council
Motion carried on voice vote.

5. [Payment – Badger Highways Co., Inc.; Contract Unit No. 2009-02; Appleton Street Asphalt Street Reconstruction; \\$108,811.07 \(Payment No. 1 & Final\)](#)

When asked about removing screening from the drains, PWS Jacobson explained the screening stays in place until the grass has grown back as per regulations.

Moved by Ald. Pack, seconded by Ald. Zelinski to recommend approval to Common Council
Motion carried on voice vote.

DRAFT

6. [Payment – Insituform Technologies, USA, Inc.; City of Menasha Wastewater Collection System Rehabilitation Improvements Project – Phase 3; Contract No. E145-07-01A; Sanitary Sewer Lining; \\$108,493.08 \(Payment No. 9 and Final\)](#)

Moved by Ald. Pack, seconded by Ald. Zelinski to recommend approval to Common Council
Motion carried on voice vote.

7. [Payment – Vinton Construction Company; Contract Unit No. 2009-01; Midway Business Park Concrete Street & Walk Construction; \\$164,380.52 \(Payment No. 1\)](#)

PWS Jacobson explained the project is approximately half done. They are on schedule to complete the project as per the contract.

Moved by Ald. Pack, seconded by Ald. Zelinski to recommend approval to Common Council
Motion carried on voice vote.

8. [Consideration of Revisions for Storm Water Charges in Five Oaks Mobile Home Park or Other Manufactured Housing Communities](#)

Discussion ensued on storm water utility is mandated by the State; currently manufactured housing communities are charged as a multi-family residential; changing manufactured housing communities to single family dwellings could cause the storm water utility to lose approximately \$9,000 in collected fees; Five Oaks has private streets.

When asked if there are any other areas in the City that would have private streets/developments, CDD Keil explained in other areas that have private streets/developments the streets are owned in common by the property owners abutting the streets or driveways. All of the land in Five Oaks, including the private streets, is owned by a single entity. This entity is billed based on the total amount of impervious area on the site, including the private streets.

Moved by Ald. Pack, seconded by Ald. Benner to recommend to Common Council considering manufactured housing community units the same as single-family residential units, in which case each home site would be charged one ERU fee.

Moved by Ald. Benner, seconded by Ald. Pack to amend to include the storm water utility fee be retro to the first of the year.

Motion on amendment carried on voice vote.

Motion as amended carried on voice vote.

9. [Authorization to Execute County/Municipal Recycling Agreement \(Amendment I and Extension III – Winnebago County\)](#)

Moved by Ald. Zelinski, seconded by Ald. Hendricks to recommend approval to Common Council
Motion carried on voice vote.

10. [Consideration of Initiating Single Stream Recycling Operations](#)

Moved by Ald. Pamenter, seconded by Ald. Hendricks to recommend approval to Common Council

Discussion: PWS Jacobson explained now is the time to move forward to purchase the recycling carts as it is a good opportunity to secure a low price. When asked about outsourcing recycling, PWS Jacobson replied outsourcing is not always the best solution. PWS Jacobson explained with the elimination of blue recycling bags, residents will be using multiple containers for recycling. It will take extra staff time to pick up recycling as it will need to be done manually. He has been checking on other options to fund the carts needed for automated. One option is private donations/sponsorship. It would be better for the City to own the carts and have the residents rent the carts. The City would have more control on the maintenance of the carts. Vendors will hold the price quote until Jan 1, 2010 if they have a commitment from the City.

Discussion ensued on waiting to make a decision until they have more information.
Ald. Pamenter and Hendricks withdrew their motion

11. Request for Traffic Study to Investigate the Placement of Yield Signs (Ald. Zelinski):
 - a. First Street at Ice Street
 - b. Ice Street at Second Street

Moved by Ald. Zelinski, seconded by Ald. Pack to recommend a traffic study.

Discussion: Lt. Styka explained the intersections referred to are t-shape intersections and a traffic control sign is not always recommended at this type of intersection. If a traffic study is done, the numbers would be inaccurate due to the construction on Third Street.

Mayor Merkes recommended waiting until after the Third Street corridor is open to traffic before conducting a traffic study.

Ald. Zelinski and Pack withdrew their original motion.

Moved by Ald. Zelinski, seconded by Ald. Pack to recommend a traffic study after the Third Street corridor is open to traffic.

Motion carried on voice vote.

E. ADJOURNMENT

Moved by Ald. Pack, seconded by Ald. Benner to adjourn at 8:22 p.m.

Motion carried on voice vote.

Respectfully submitted by
Deborah A. Galeazzi, WCMC
City Clerk



STREET USE APPLICATION

Sponsored by: Menasha High School
 Responsible Person: Gene Spindler
 Address: 420 7th Street
Menasha WI 54952
 Phone: 920-967-1808
 Email Address: spindlerg@mjsd.k12.wi.us

Street Use Date:	<u>Oct. 2, 2009</u>
Start Time:	<u>5:30</u>
End Time:	<u>6:10</u>
Number of Units:	<u>20</u>

Street Route: (Attach Map) Start in school back parking lot at H.S. Move east on
 Description of Use 8th across Racine, North on Warsaw to 9th, East on 9th
To Appleton St. North on Appleton St, into Calder stadium.

Liability Insurance has been secured in the amount of \$ _____ with the City of Menasha named as the additional insured.

Insurance Company _____ Policy No. _____
 (Attached is a copy of the insurance certificate).

Date: 6/24/09 Applicant's Signature: Gene R Spindler

Permit Fee: Each application for a Street Use Permit shall be accompanied by a fee of Twenty-Five Dollars (\$25.00). Make checks payable to City of Menasha. See highlighted portion of the attached City of Menasha Municipal Code.

Handwritten note: OK # 76083

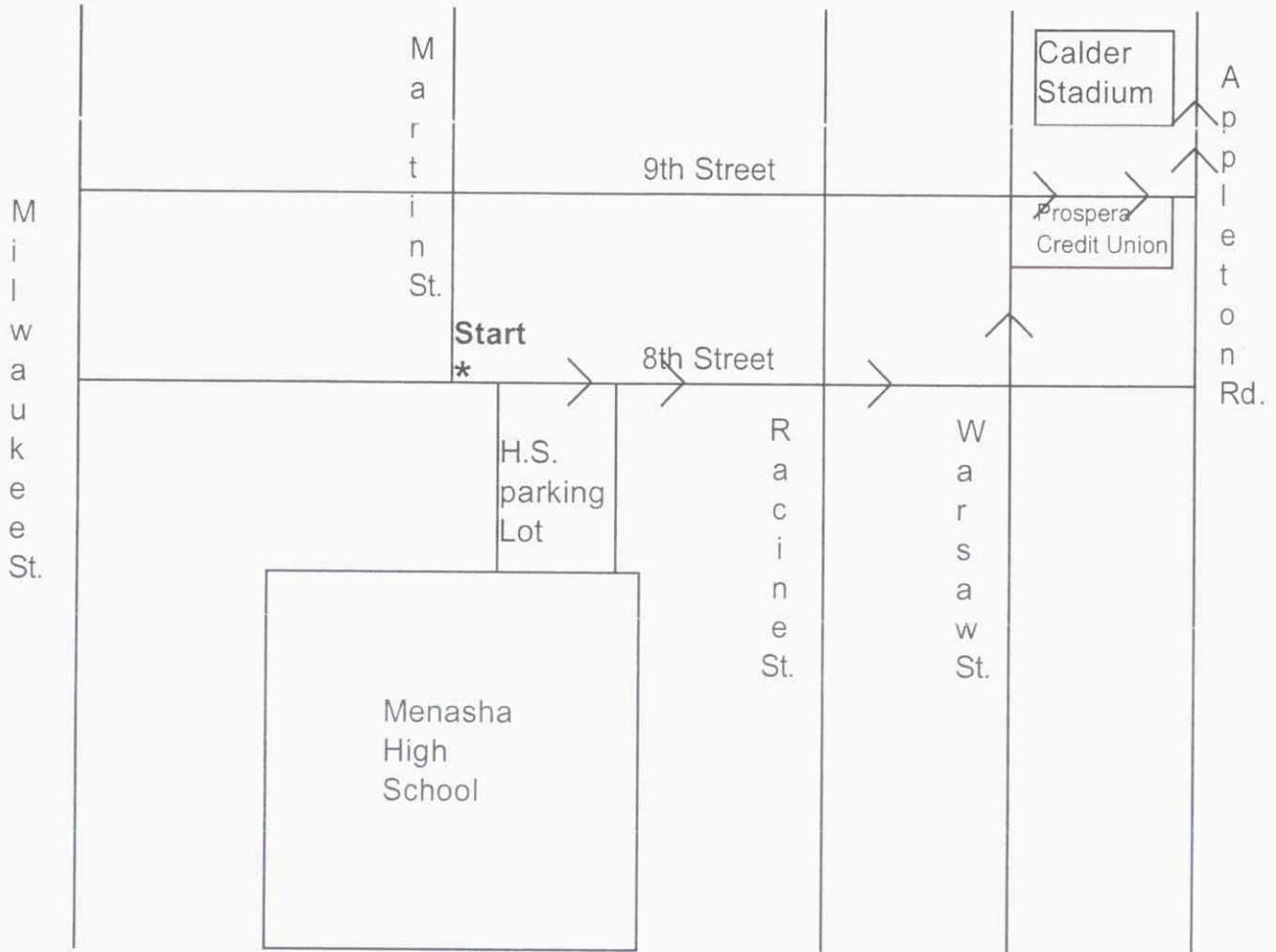
Note to events planning to use City Parks and/or greenspace: Any multi-day event or event which plans to sell beer and/or wine to the public must appear before the Parks and Recreation Board.

 TO BE COMPLETED BY CITY STAFF

Scheduled Park & Recreation Board Review Date: _____
 Not Required: _____ Approved: _____ Denied: _____

Scheduled Common Council Review Date: 8/17/09
 Approved: _____ Denied: _____

APPROVAL:
 Police Dept. [Signature] Fire Dept. [Signature] Public Works Dept. MR City Attorney _____



HOMECOMING PARADE DIRECTIONS
PARADE STARTS AT 5:30 P.M.

- *Start at the corner of Martin St. and 8th St. (By the H.S. Parking Lot).
- *Cross over Racine St.
- *Turn left on Warsaw St.
- *Turn right on 9th St. (By Prospera Credit Union)
- *Turn left on Appleton Rd.
- *This road leads into Calder Stadium.

CERTIFICATE OF INSURANCE

ISSUE DATE: 7/1/09

AEGIS CORPORATION
 18550 W. CAPITOL DRIVE
 BROOKFIELD, WISCONSIN 53045
 TEL: (800) 391-1116
 FAX: (262) 783-6091

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED:
 Menasha Joint School District
 P.O. Box 360
 328 Sixth Street
 Menasha, WI 54952

COMPANIES AFFORDING COVERAGE

COMPANY
 LETTER A

COMMUNITY INSURANCE CORPORATION

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OF OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO. LTR	TYPE OF INSURANCE	POLICY NUMBER	EFFECTIVE DATE	EXPIRATION DATE	LIMITS
A	LIABILITY GENERAL LIABILITY SCHOOL BOARD E&O AUTOMOBILE LIABILITY ALL OWNED AUTOS HIRED & NON-OWNED AUTOS UNINSURED MOTORISTS	SGL2221309	7/1/2009	7/1/2010	\$5,000,000 EACH OCCURRENCE

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEM

Certificate Holder is named as an Additional Insured with regard only to the Homecoming Parade on 10/2/09.

CERTIFICATE HOLDER:

City of Menasha
 140 Main Street
 Menasha, WI 54952

AUTHORIZED REPRESENTATIVE

Lori Heacon

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.



STREET USE APPLICATION

Sponsored by: St. Mary Central High School
 Responsible Person: Michelle Jungbauer
 Address: 1050 Zephyr Dr
Neenah, WI 54956
 Phone: 920-722-7427
 Email Address: mjungbauer@taxes.k12.wi.us

Street Use Date: Oct 9, 2009
 Start Time: 5:00 P.M
 End Time: 5:45-6:00
 Number of Units: 25-30

Street Route: (Attach Map) Begin @ 528 Second St, Left on Milwaukee St, Right on Main St,
 Description of Use Left onto Tayco / Washington, Commercial, Right onto
Main St (Neenah), Left on Church St Disband @ Church

Liability Insurance has been secured in the amount of \$ 500,000 with the City of Menasha named as the additional insured.
 Insurance Company _____ Policy No. _____
 (Attached is a copy of the insurance certificate).

Date: 6/25/09 Applicant's Signature: Michelle Jungbauer

Permit Fee: Each application for a Street Use Permit shall be accompanied by a fee of Twenty-Five Dollars (\$25.00). Make checks payable to City of Menasha. See highlighted portion of the attached City of Menasha Municipal Code.

*pd ct
#65886
cs*

Note to events planning to use City Parks and/or greenspace: Any multi-day event or event which plans to sell beer and/or wine to the public must appear before the Parks and Recreation Board.

TO BE COMPLETED BY CITY STAFF

Scheduled Park & Recreation Board Review Date: _____
 Not Required: _____ Approved: _____ Denied: _____

Scheduled Common Council Review Date: 8/17/09
 Approved: _____ Denied: _____

APPROVAL:
 Police Dept. pd Fire Dept. LUW Public Works Dept. MR City Attorney _____

Certificate of Coverage

Date: 7/16/2009

Certificate Holder
 Catholic Diocese of Green Bay
 1910 S Webster Ave.
 P.O. Box 23825
 Green Bay, WI 54305-3825

This Certificate is issued as a matter of information only and confers no rights upon the holder of this certificate. This certificate does not amend, extend or alter the coverage afforded below.

Company Affording Coverage
 THE CATHOLIC MUTUAL RELIEF
 SOCIETY OF AMERICA
 10843 OLD MILL RD
 OMAHA, NE 68154

Covered Location
 St Mary Central Catholic High School #766
 1050 Zephyr Drive
 Neenah, WI 54956

Coverages

This is to certify that the coverages listed below have been issued to the certificate holder named above for the certificate indicated, notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the coverage afforded described herein is subject to all the terms, exclusions and conditions of such coverage. Limits shown may have been reduced by paid claims.

Type of Coverage	Certificate Number	Coverage Effective Date	Coverage Expiration Date	Limits	
Property				Real & Personal Property	
General Liability <input checked="" type="checkbox"/> Occurrence <input type="checkbox"/> Claims Made	8878	7/1/2009	7/1/2010	General Aggregate	
				Products-Comp/OP Agg	
				Personal & Adv Injury	
				Each Occurrence	500,000
				Fire Damage (Any one fire)	
				Med Exp (Any one person)	
Excess Liability	8878	7/1/2009	7/1/2010	Each Occurrence	500,000
Other				Each Occurrence	

Description of Operations/Locations/Vehicles/Special Items

Coverage only extends for claims arising out of St Mary Central Catholic High School's Homecoming Parade on October 9, 2009.

Holder of Certificate

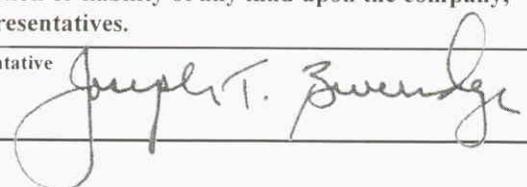
Cancellation

Additional Protected Person(s)

City of Menasha
 140 Main Street
 Menasha, WI 54952

Should any of the above described coverages be cancelled before the expiration date thereof, the issuing company will endeavor to mail 30 days written notice to the holder of certificate named to the left, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.

Authorized Representative



0015001382

ENDORSEMENT

(TO BE ATTACHED TO CERTIFICATE)

Effective Date of Endorsement 10/9/2009 Charge _____ Credit _____

Cancellation Date of Endorsement 10/10/2009

Certificate Holder Catholic Diocese of Green Bay
1910 S Webster Ave.
P.O. Box 23825
Green Bay, WI 54305-3825

Certificate No. 8878 of The Catholic Mutual Relief Society is amended as follows:

SECTION II - ADDITIONAL PROTECTED PERSON(S)

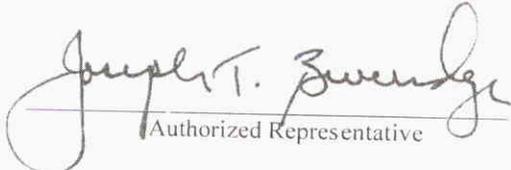
It is understood and agreed that Section II - Liability (only with respect to Coverage D - General Liability, Coverage F - Medical Payments to Others and Coverage H - Counseling Errors and Omissions) is amended to include as an Additional Protected Person(s) members of the organizations shown in the schedule, but only with respect to their liability for the Protected Person(s) activities or activities they perform on behalf of the Protected Person(s).

It is further understood and agreed that coverage extended under this endorsement is limited to and applies only with respect to liability assumed by contract or agreement; and this extension of coverage shall not enlarge the scope of coverage provided under this certificate or increase the limit of liability thereunder. Unless otherwise agreed by contract or agreement, coverage extended under this endorsement to the Additional Protected Person(s) will not precede the effective date of this certificate of coverage endorsement or extend beyond the cancellation date.

Schedule - ADDITIONAL PROTECTED PERSON(S)

City of Menasha
140 Main Street
Menasha, WI 54952

Remarks: Coverage only extends for claims arising out of St Mary Central Catholic High School's Homecoming Parade on October 9, 2009.


Authorized Representative



321 Milwaukee St - PO Box 340 – Menasha WI 54952

MEMORANDUM

Date: 7/28/2009

To: Mark Radtke, Director of Public Works

From: Lonnie Pichler, Electric and Water Distribution Supervisor

RE: Recommendation for Approval of Change Order

At the regular meeting of the Menasha Utilities Commission on July 22, 2009, a motion was approved requesting the Board of Public Works recommend to the Common Council approval of Change Order No. 2 from DeGroot, Inc. for the Third Street Water Main Replacement project, in the amount of \$11,100.80.

This change order is needed to account for the variations made in the field during construction, and represents adjustments for final measured quantities.

CHANGE ORDER NO. 2

PROJECT: Third Street Water Main Replacement OWNER: Menasha Utilities PROJECT ID: - CONTRACTOR: De Groot, Inc. CONTRACTOR PROJECT NO.: 0	DATE OF ISSUANCE: July 27, 2009 EFFECTIVE DATE: ENGINEER: OMNNI Associates ENGINEERS PROJECT NO.: M1314A08
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You are directed to make the following changes in the Contract Documents:

Description: Final Quantities
 Reason for Change Order: Adjustment from bid quantities to final measured quantities.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT SCHEDULE
Original Contract Price \$570,109.46 Net changes from previous Change Orders Change Order No. 1 \$ 10,500.00 Contract Price Prior to this Change Order \$580,609.46 Net Increase (Decrease) of this Change Order \$ 11,100.80 Contact Price with all approved Change Orders <u>\$591,710.26</u>	Original Contract Times (days or dates) Substantial Completion: May 22, 2009 Ready for final payment: May 22, 2009 Contract Times prior to this Change Order (days or dates) Substantial Completion: May 22, 2009 Ready for final payment: May 22, 2009 Net Increase (Decrease) of this Change Order: 0 Contract Times with all approved Change Orders (days or dates) Substantial Completion: May 22, 2009 Ready for final payment: May 22, 2009

RECOMMENDED:

APPROVED:

ACCEPTED:

By: 
 Thomas Walsh
 OMNNI Associates

By: _____
 Lonnie Pichler, Distribution Supervisor
 Menasha Utilities

By: _____
 For: De Groot, Inc.

Date: 7/27/2009

Date: _____

Title: _____
 Date: _____

CERTIFICATION AND REQUEST FOR PAYMENT - Documentation

7/1/2009

PROJECT TITLE: Third Street Water Main Replacement

CONTRACTOR: De Groot, Inc.

CONTRACTORS PROJECT NO.: 0

M1314A08

Item No.	Description of Work Item	Units	Scheduled Quantity	Unit Price	Bid Price	Total Completed and Stored		Price Difference (\$ Spent - \$ Bid)	Complete %	Explanation of Variation
						Quantity to Date (F + G)	Amount			
(A)	(B)		(C)	(D)	(E)	Quantity	Amount	Amount		
A1	Sawcut Existing Pavement	LF	9,510	\$ 1.31	\$ 12,458.10	9,000.00	\$ 11,790.00	\$ (668.10)	95%	Some existing pavement joints used. No sawing needed.
A2	Traffic Control	LS	1.0	\$ 10,971.63	\$ 10,971.63	1.00	\$ 10,971.63	\$ -	100%	
A3	Remove Pavement	SY	7,447	\$ 2.37	\$ 17,649.39	7,713.00	\$ 18,279.81	\$ 630.42	104%	Extra removed to meet city replacement requirements (1/2 or full panel).
A4	Remove and Replace Curb & Gutter	LF	92	\$ 23.23	\$ 2,137.16	202.60	\$ 4,706.40	\$ 2,569.24	220%	Extra removed for Palonia services & Racine intersection.
A5	Remove and Patch Sidewalk/Driveway	SF	7,772	\$ 1.26	\$ 9,792.72	7,772.00	\$ 9,792.72	\$ -	100%	
A6	Remove Contaminated Soil	CY	90	\$ 10.10	\$ 909.00		\$ -	\$ (909.00)	0%	Did not encounter any contaminated soil.
A7	Dense Graded Aggregate Base (18")	Ton	7,060	\$ 8.41	\$ 59,374.60	6,856.64	\$ 57,664.34	\$ (1,710.26)	97%	Trenches slightly narrower than anticipated.
A8	Concrete Pavement	SY	225	\$ 43.48	\$ 9,783.00	535.70	\$ 23,292.24	\$ 13,509.24	238%	Extra required to meet city replacement requirements (1/2 or full panel).
A9	Inlet Protection	Each	28	\$ 35.35	\$ 989.80	28.00	\$ 989.80	\$ -	100%	
A10	Connect to Existing Water	Each	9	\$ 1,776.70	\$ 15,990.30	9.00	\$ 15,990.30	\$ -	100%	
A11	12" PVC Water Main	LF	4,365	\$ 39.56	\$ 172,679.40	4,423.50	\$ 174,993.66	\$ 2,314.26	101%	Extended main tie-in on Appleton St. & slight variation at project terminill.
A12	10" PVC Water Main	LF	64	\$ 50.50	\$ 3,232.00	48.00	\$ 2,424.00	\$ (808.00)	75%	Did not need as much as planned to meet good pipe at Racine
A13	8" PVC Water Main	LF	390	\$ 34.36	\$ 13,400.40	428.00	\$ 14,706.08	\$ 1,305.68	110%	Additional at side street tie-ins.
A14	6" PVC Water Main	LF	385	\$ 32.34	\$ 12,450.90	386.00	\$ 12,483.24	\$ 32.34	100%	
A15	6" PVC Hydrant Lead	LF	170	\$ 31.98	\$ 5,436.60	155.00	\$ 4,956.90	\$ (479.70)	91%	Main shifted west of Racine St. creating shorter leads.
A16	12" Gate Valve	Each	12	\$ 2,146.78	\$ 25,761.36	12.00	\$ 25,761.36	\$ -	100%	
A17	10" Gate Valve	Each	1	\$ 1,700.39	\$ 1,700.39	1.00	\$ 1,700.39	\$ -	100%	
A18	8" Gate Valve	Each	2	\$ 1,265.82	\$ 2,531.64	3.00	\$ 3,797.46	\$ 1,265.82	150%	Extra valve used on DePere St. at tracks to avoid shut down if future tie-in
A19	6" Gate Valve	Each	6	\$ 973.25	\$ 5,839.50	5.00	\$ 4,866.25	\$ (973.25)	83%	Did not use a valve on Palonia hydrant.
A20	12" Bends	Each	31	\$ 564.50	\$ 17,499.50	18.00	\$ 10,161.00	\$ (7,338.50)	58%	Deflected pipe to avoid using bends.
A21	10" Bends	Each	4	\$ 455.91	\$ 1,823.64	1.00	\$ 455.91	\$ (1,367.73)	25%	Deflected pipe to avoid using bends.
A22	8" Bends	Each	4	\$ 349.42	\$ 1,397.68	2.00	\$ 698.84	\$ (698.84)	50%	Deflected pipe to avoid using bends.
A23	6" Bends	Each	6	\$ 295.64	\$ 1,773.84	7.00	\$ 2,069.48	\$ 295.64	117%	Used 2-45 bends instead of 90 bend at Palonia hydrant.
A24	Hydrant w/Auxiliary Valve	Each	12	\$ 3,168.48	\$ 38,021.76	12.00	\$ 38,021.76	\$ -	100%	
A25	12" Service Saddle	Each	84	\$ 118.27	\$ 9,934.68	83.00	\$ 9,816.41	\$ (118.27)	99%	One service listed as active was not.
A26	8" Service Saddle	Each	1	\$ 105.36	\$ 105.36	2.00	\$ 210.72	\$ 105.36	200%	Extra service on DePere Street.
A27	6" Service Saddle	Each	6	\$ 104.28	\$ 625.68	6.00	\$ 625.68	\$ -	100%	
A28	Brass Set & Curb Box	Each	91	\$ 244.07	\$ 22,210.37	91.00	\$ 22,210.37	\$ -	100%	
A29	1" HDPE Water Service	LF	3,011	\$ 24.18	\$ 72,805.98	3,206.00	\$ 77,521.08	\$ 4,715.10	106%	Plan to ROW & services installed 2' to 2.5' behind ROW.

CERTIFICATION AND REQUEST FOR PAYMENT - Documentation

7/1/2009

PROJECT TITLE: Third Street Water Main Replacement

CONTRACTOR: De Groot, Inc.

CONTRACTORS PROJECT NO.: 0

M1314A08

(A) Item No.	(B) Description of Work Item	Units	(C) Scheduled Quantity	(D) Unit Price	(E) Bid Price	Total Completed and Stored		Price Difference		Complete %	Explanation of Variation
						Quantity to Date (F + G)	Amount	Amount (\$ Spent - \$ Bid)	Amount		
A30	Reconnect Exist Water Service to New 1" HDPE	Each	91	\$ 131.30	\$ 11,948.30	88.00	\$ 11,554.40	\$ (393.90)		97%	91 total services not 91 - 1" reconnects. Plan quantity incorrect.
A31	Reconnect Exist Water Service to New 6" PVC	Each	3	\$ 1,663.44	\$ 4,990.32	3.00	\$ 4,990.32	\$ -		100%	
A32	Connect Exist 1-1/2" Service to New 12" Main	Each	2	\$ 568.63	\$ 1,137.26	3.00	\$ 1,705.89	\$ 568.63		150%	Found 1-1/2" service during excavation and reconnected.
A33	Restoration	SY	136	\$ 10.10	\$ 1,373.60	99.10	\$ 1,000.91	\$ (372.69)		73%	DOT limits extended eliminating our need to restore behind curb.
A34	Seed, Fertilize and Mulch	SY	136	\$ 10.10	\$ 1,373.60	99.10	\$ 1,000.91	\$ (372.69)		73%	DOT limits extended eliminating our need to restore behind curb.
	BASE PROJECT TOTAL				\$ 570,109.46		\$ 581,210.26	\$ 11,100.80			
CO 1	Traffic Control	LS	1	\$ 10,500.00	\$ 10,500.00	1.00	\$ 10,500.00	\$ -		100%	Full detour required to shut road. Not required in original bid documents
	CHANGE ORDER TOTAL				\$ 10,500.00		\$ 10,500.00	\$ -			
	12" PVC Water Main - Delivered	LF	3,920	\$ 8.43	\$ 33,045.60	0.00	\$ -			0%	
	PROJECT TOTAL				\$ 580,609.46		\$ 591,710.26	\$ 11,100.80			

II. STUDY AREA

The study area is depicted in Figure #1. The study area contains approximately 1,217 acres or 1.9 square miles of property located within the Town of Menasha and City of Menasha, Winnebago County, Wisconsin. Generally, the study area is bound to the west by Tayco Road and Racine Street (CTH 'P'), to the north by Midway Road (CTH 'AP'), to the east by Oneida Street and Home Avenue, and to the south by Plank Road (STH '114'). The study area includes 358 acres (29%) of property located in the Town of Menasha and 859 acres (71%) of property located in the City of Menasha.

The study area currently discharges to three outfalls. The three outfalls are tributary to Little Lake Butte des Morts and include the following: a 96-inch storm sewer located just north of the Tayco Pond site, an unnamed stream located just north of the Tayco Pond site, and the Lakeshore Drive ditch located just south of the Tayco Pond site. These three outfalls discharge stormwater into Little Lake Butte des Morts during both low-flow and high-flow conditions. The outfall locations are depicted in Figures #2 and #3.

The study area also discharges to three flow by-pass locations. The three flow by-passes are tributary to Lake Winnebago and include the following: a storm sewer / street surface by-pass located at the intersection of Baldwin Street and Plank Road (STH '114'), a street surface by-pass located at the intersection of Plank Road (STH '114') and Manitowoc Road, and a street surface by-pass located near the intersection of Elmwood Drive and 9th Street. The three flow by-pass locations are depicted in Figures #2 and #3.

III. HYDROLOGIC & HYDRAULIC ANALYSIS

A. Methodology

A hydrologic and hydraulic computer model was used to develop the rainfall / runoff relationship. The XP-SWMM2000 (V11.0) computer model was used for this study. The SWMM computer model was used to generate surface runoff hydrographs for each drainage area. The hydrographs include information such as peak flow rates, time of peak flow rates, and runoff volumes. The SWMM model was also used to combine, split, and hydraulically route hydrographs.

The U.S. Department of Agriculture, Natural Resource Conservation Service (NRCS or formerly SCS), Technical Release 55 methodology was also used to develop the rainfall / runoff relationship within the study area. The TR-55 methodology requires that various hydrologic parameters be input into the computer model. These hydrologic parameters generally include drainage area, percent imperviousness, runoff curve number, and time of concentration.

Table #8
Pre-Pond Construction & Existing Land Use Condition
Peak Water Surface Elevation

No.	Outfall (Node)	Location	Surface Elevation	Peak Water Surface Elevation		
				2-yr	10-yr	100-yr
1	P1a3-H	CTH 'P'	745.6	743.24	748.11	752.03
2	P1a3-G	Earl Street	756	746.50	752.17	757.03
3	P1a3-E	Appleton Road	761	750.05	754.41	757.85
4	P1a3-D	Ida Street	759	750.45	754.51	757.86
5	P1a3-C12	Melissa Street	758	750.76	754.54	757.83
6	P1a3-C10	Ninth Street	752	750.95	752.65	753.84
7	BX123-A	Plank Road	747.8	750.30	751.07	751.41
8	BX125	Baldwin Street	749.5	749.97	750.62	751.08
9	C1_C2	Konemac Street	752	750.55	752.43	752.61
10	P1a3-A	Elmwood Drive	749	751.14	752.15	752.60
11	P1a1/P1a2	Woodland Drive	759	752.99	760.12	760.47
12	P1a5-C2_E	Stream	743	740.48	743.49	743.83

The post-pond construction condition refers to hydraulic conditions after construction of Tayco Pond. Hydraulic results for the post-pond construction and current land use condition are provided in Appendix C and Table #9.

Table #9
Post-Pond Construction & Current Land Use Condition
Peak Water Surface Elevation

No.	Outfall (Node)	Location	Surface Elevation	Peak Water Surface Elevation		
				2-yr	10-yr	100-yr
1	P1a3-H	CTH 'P'	745.6	745.36	748.52	752.31
2	P1a3-G	Earl Street	756	748.02	752.40	757.12
3	P1a3-E	Appleton Road	761	750.64	754.50	757.88
4	P1a3-D	Ida Street	759	750.92	754.59	757.88
5	P1a3-C12	Melissa Street	758	751.10	754.61	757.85
6	P1a3-C10	Ninth Street	752	751.18	752.66	753.85
7	BX123-A	Plank Road	747.8	750.37	751.08	751.42
8	BX125	Baldwin Street	749.5	750.03	750.64	751.11
9	C1_C2	Konemac Street	752	750.55	752.43	752.61
10	P1a3-A	Elmwood Drive	749	751.29	752.16	752.60
11	P1a1/P1a2	Woodland Drive	759	753.24	760.12	760.47
12	P1a5-E	Stream	743	740.43	743.46	743.82

Tayco Pond has a 1,217 acre watershed and a permanent pool surface area of 3.02 acres. Performance of the Tayco wet detention pond is summarized below in Table #11. Also, a set of detailed construction plans for Tayco Pond is provided in Appendix A.

Table #11
Tayco Pond Summary

	SWMM (Node/Link)	Peak Outflow (cfs)	Storage Volume (ac-ft)	Normal Water Elevation (feet)	Peak Water Elevation (feet)
2-year	Pond_C2c / ss_out	353	11.8	738.50	742.00
10-year	Pond_C2c / ss_out	436	16.4	738.50	743.24
100-year	Pond_C2c / ss_out & overfl	526	23.6	738.50	745.09

In summary, Tayco Pond increases the elevation and duration of surface water flooding within upslope storm sewers. The flood elevation increases vary by location and storm event. As previously discussed, flow by-passes are also occurring at Baldwin Street and Elmwood Drive (see Figures 2 and 3 for flow by-pass locations) during the 2-year, 24-hour design storm. The flow by-passes at Baldwin Street and Elmwood Drive are occurring during both the pre-pond construction condition and post-pond construction condition. During the 10-year and 100-year storms, flow by-passes are occurring at Baldwin Street, Plank Road and Elmwood Drive. Due to the increases in surface water flooding and flow by-passes, McMahan recommends that additional flood storage be evaluated for the Tayco Pond Watershed. It may be feasible to strategically locate one flood storage facility in the watershed to reduce current flooding and flow by-pass problems.

IV. WATER QUALITY ANALYSIS

The NR 151 stormwater regulations require 80 percent total suspended solids (TSS) removal for new development and 40 percent removal for re-development as compared to no water quality controls. According to NR 151, the TSS reduction must be achieved prior to discharge into waters of the state (i.e. wetlands, lakes, rivers, navigable streams, etc.). As previously discussed, the study area discharges into the 96-inch storm sewer located north of Tayco Pond prior to discharge into Little Lake Butte des Morts.

A. Methodology

The water quality analysis for the study area was prepared using the Source Loading and Management Model (SLAMM v9.3.0). SLAMM is an urban water quality model that predicts runoff volumes and non-point source pollution within a watershed. SLAMM calculates mass balances for both particulate and filterable

Table #12. The water quality impacts associated with the two flow by-pass locations are also summarized in Table #12 and within Appendix D. After considering the two flow by-passes, the removal rate provided by Tayco Pond is 52.1 percent or 171,392 pounds of TSS.

Table #12
Total Suspended Solids (TSS)
Reduction Provided

Location & Flow By-Pass Condition	Drainage Area (acres)	TSS Inflow (lbs.)	TSS By-Pass (lbs.)	TSS Removed (lbs.)	TSS Outflow (lbs.)	Removal Rate (%)
Before Evaluating Flow By-Passes						
Tayco Pond	1,217	328,926	-	172,356	156,570	52.4
After Evaluating Flow By-Passes						
Baldwin Street (P1a3-C1 & C2)	46.2	-	1,274	-	-	-
Elmwood Drive (P1a3-A)	115.9	-	567	-	-	-
Tayco Pond	1,217	327,085	1,841	171,392*	155,693	52.1**

* TSS removed was determined by multiplying 327,085 lbs by 52.4%.

** TSS removal rate (%) for the Tayco Pond Watershed was determined by dividing 171,392 lbs and 328,926 lbs.

The total phosphorus (TP) reduction provided by Tayco Pond for the post-pond construction watershed and future land use condition is summarized in Table #13. The water quality impacts associated with the two flow by-pass locations are also summarized in Table #13 and within Appendix D. After considering the two flow by-passes, the removal rate provided by Tayco Pond is 37.2 percent or 380.3 pounds of TP.

Table #13
Total Phosphorus (TP)
Reduction Provided

Location & Flow By-Pass Condition	Drainage Area (acres)	TP Inflow (lbs.)	TP By-Pass (lbs.)	TP Removed (lbs.)	TP Outflow (lbs.)	Removal Rate (%)
Before Evaluating Flow By-Passes						
Tayco Pond	1,217	1,021.0	-	383.2	637.8	37.5
After Evaluating Flow By-Passes						
Baldwin Street (P1a3-C1 & C2)	46.2	-	4.2	-	-	-
Elmwood Drive (P1a3-A)	115.9	-	3.3	-	-	-
Tayco Pond	1,217	1,013.5	7.5	380.3*	633.2	37.2**

* TP removed was determined by multiplying 1,013.5 lbs by 37.5%.

** TP removal rate (%) for the Tayco Pond Watershed was determined by dividing 380.3 lbs and 1,021.0 lbs.



- Study Area Boundary
- Other Mapped Features
- Town of Menasha
- City of Menasha
- Municipal Boundary
- Railroad Centerline
- Right-of-Way
- Stream

Source: Winnebago County, 2005-07; NAD 83, 2008
 Note: This map was developed in accordance with the provisions of the Planning and Zoning Ordinance, Chapter 10.01, of the Town of Menasha. The information on this map is for informational purposes only and does not constitute a contract. The information on this map is for informational purposes only and does not constitute a contract. The information on this map is for informational purposes only and does not constitute a contract.

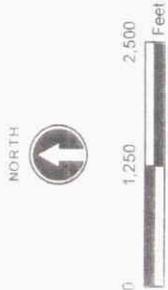
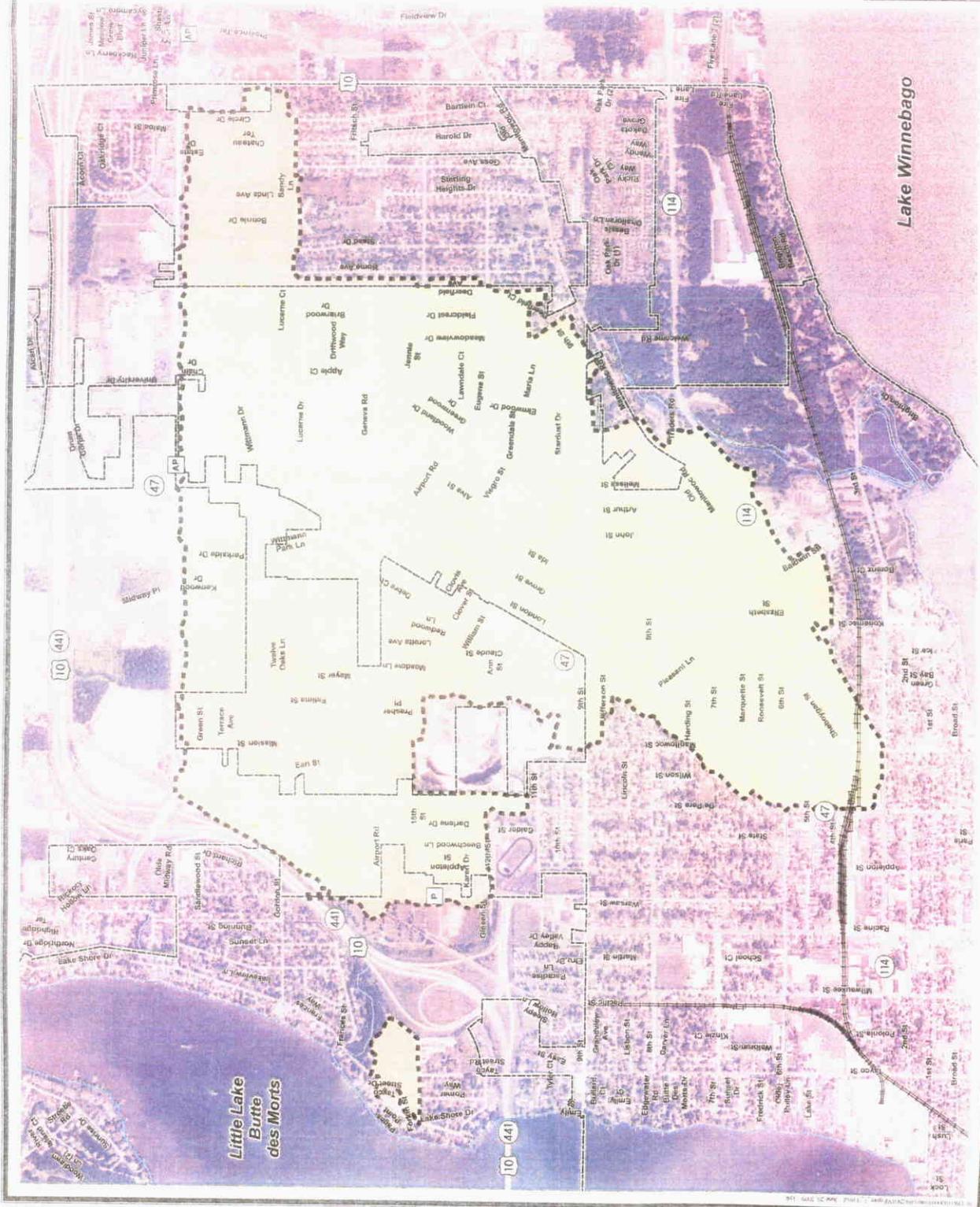


FIGURE 1
STUDY AREA
TAYCO POND
STORM WATER MANAGEMENT PLAN
TOWN OF MENASHA
WINNEBAGO COUNTY, WISCONSIN





Mapped Features

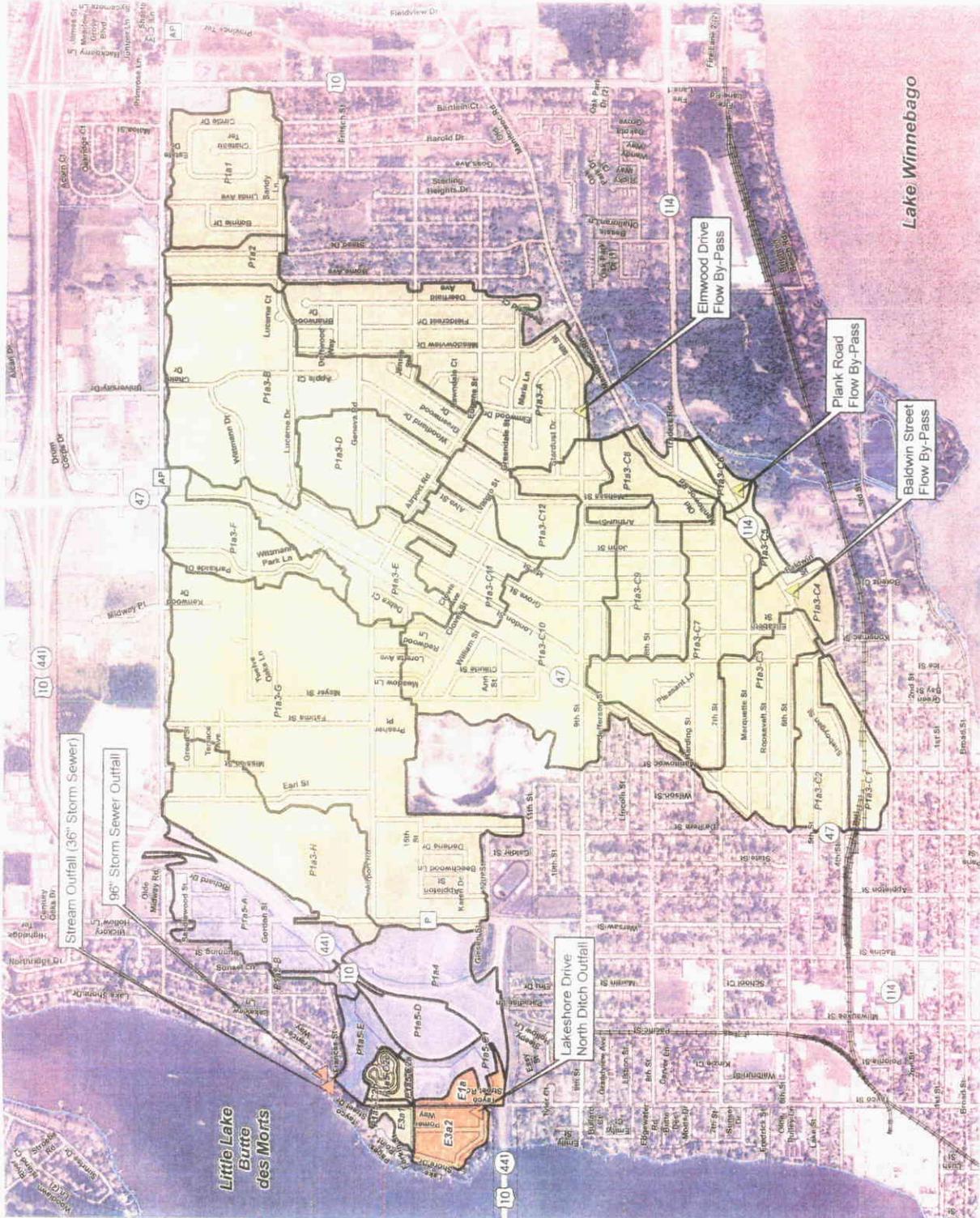
- Outfall
- Flow By-Pass
- Railroad Centerline
- Right-of-Way
- Stream
- Tayco Pond Watershed
- Stream Watershed
- Currently Discharges to Lakeshore Drive
- Drainage Area and ID

Source: Menasha City, 2008 & MAP 2008
 Note: The project has not yet been approved by the Wisconsin Department of Transportation. The project is subject to change without notice. The project is subject to change without notice. The project is subject to change without notice.



McMAHON
 CONSULTING ENGINEERS

FIGURE 3
POST-POND CONSTRUCTION
WATERSHED
TAYCO POND
STORM WATER MANAGEMENT PLAN
TOWN OF MENASHA
WINNEBAGO COUNTY, WISCONSIN





Mapped Features

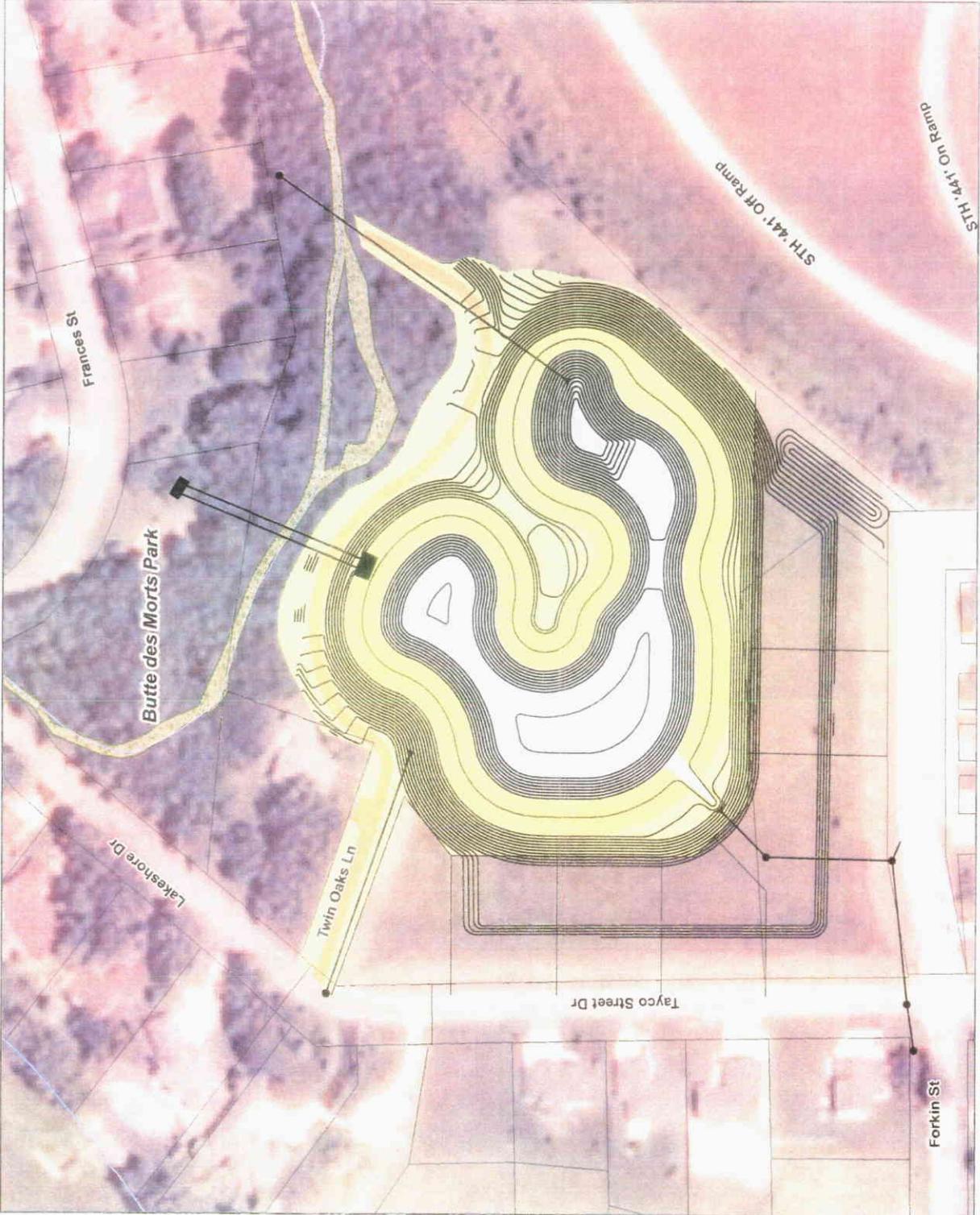
- Parcel Line
- Proposed Pond Contour
- Proposed Storm Sewer
- Stream
- Deep Water (15 Feet)
- Safety Shelf/Wetlands
- Prairie Plantings
- Maintenance Trail (12 Feet)
- Natural Wetland

Source: Winnebago County, 2005 (S) / April 2008
 Disclaimer: This map was prepared for the purpose of providing information only. It is not intended to be used as a legal document. The user assumes all responsibility for the use and interpretation of the data and shall not be held liable for any errors or omissions. The user shall not be held liable for any damages, including consequential damages, arising from the use of this map. The user shall not be held liable for any damages, including consequential damages, arising from the use of this map.



McMAHON
 ENGINEERS ARCHITECTS

FIGURE A
TAYCO POND
 TOWN OF MENASHA
 WINNEBAGO COUNTY, WISCONSIN





Memorandum

DATE: July 29, 2009

TO: Board of Public Works

FROM: Mark Radtke, Director of Public Works *MR*
Thomas Stoffel, Comptroller/Treasurer *ts*

RE: Single Stream Recycling Cost Options

At its most recent meeting, the Board of Public Works issued a directive to prepare a report exploring the various options for funding the purchase of carts to accommodate automated collection for recycling. Additionally, there was discussion regarding prospects for privatizing the recycling program in the City of Menasha. This report will address the concerns of the Board and make a recommendation regarding the preferred method to fund the cart purchase should the Council choose to approve automated recycling collection.

BACKGROUND INFORMATION:

The City of Menasha currently offers monthly curbside collection of recyclables to all residential buildings comprised of four or less dwelling units. Collection is made manually with one semi-automated truck and one operator. Residents are allowed to place their recyclables in either transparent plastic bags or approved containers, and as of July 1st, recyclables may be co-mingled with no need for separating paper recyclables from other recyclables. Starting January 1, 2010, the use of plastic bags will be prohibited per the Tri-County Consortium recycling regulations.

Currently, there are 6,363 dwelling units serviced by the City of Menasha Department of Public Works. The 2009 Budget (Account #266-1028-543) provides funding in the amount of \$202,825 for recycling operations. This amount does not include the cost budgeted for managing yard waste or appliances, both of which are separate Recycling Fund budgets.

The recycling budget supplies funds for the following activities: curbside collection of recyclables, operation and management of the drop off recycling facility located at the Public Works Facility, payment of recycling tipping fees at the County's materials recovery facility or transfer station, semi-annual printing of the *In the Works* newsletter as well as postage for the City's semi-annual newsletter, contaminated waste oil disposal, and fluorescent bulb recycling.

The budgeted amount includes salaries, wages, fringe benefits, department supplies, vehicle and equipment costs, contract and professional services, printing and postage costs, and property insurance expenses. If you convert the total budget amount to a unit cost, the City expends \$2.66 per month per dwelling unit in 2009.

If the City were to purchase carts for automated collection of recyclables, it is anticipated we would need 6,500 carts to provide an inventory of carts for new households and temporary replacement carts for any damaged or broken carts. The Department of Public Works has received a proposal to provide 6,500 carts for a total cost of \$277,745. This is an extended price from a public proposal process for Tampa, Florida so we are confident this is a competitive price. This cost includes:

1. 6,500 96-gallon carts with a 10 year replacement warranty
2. City logo hot stamped on the side of the cart
3. "Recycle Only" hot stamped on the lid
4. Assembly and delivery to the individual dwellings

CART PURCHASE OPTIONS:

Place on the Tax Roll

1. Include \$277,745 in the 2010 Budget and place this amount on the levy.
2. Include \$277,745 in the 2010 Budget and place a Special Charge on the property tax bills (the charge could either be for the entire cost of one cart, which is \$42.73, or could be an annual incremental charge to recover the cost over a specified number of years)

Pay from the Public Works Equipment Fund

There is an insufficient expected balance in this fund to pay for the needed number of carts, making this an unlikely option.

Pay from the Recycling Fund (balance of \$325,387 at the end of 2008)

1. Use \$277,745 from the Recycling Fund
2. Use \$277,745 from the Recycling Fund and repay the fund through an annual cart lease charge to residents on the property tax bill. The recommended charge would be \$5.00 per year per dwelling unit. By establishing a lease arrangement, the City retains ownership of the carts.

Another option would be to borrow the necessary funds for the cart purchase but we are not recommending this as a good option for the City at this time.

PRIVATIZING OPTION:

The Town of Menasha recently received a proposal from Veolia Environmental Services for a five-year contract for the automated curbside collection of refuse and recyclables. The recycling monthly charge per dwelling unit is \$2.89. This charge includes the cost for a bi-weekly collection of one cart per dwelling unit. No other services are included in this price. The proposal includes annual escalator clauses of 3% for 2011-2013.

The City's monthly charge per dwelling unit is \$2.66 which includes monthly manual curbside collection as well as other services identified previously in this report. This compares favorably with the proposal for the Town and one could expect an even lower unit cost if collection were automated in the City of Menasha.

AUTOMATED RECYCLING COLLECTION BENEFITS:

I will not repeat what Public Works Superintendent Tim Jacobson included in his report for the July 20 Board of Public Works meeting, but I do want to stress the value of automation as it relates to our Worker's Compensation premiums. There is empirical evidence that automation markedly reduces worker injuries and thus reduces Worker's Compensation costs. This has been supported by our experience with automating the refuse collection process starting 15 years ago.

RECOMMENDATIONS:

Based on the above information, the Department of Public Works recommends the following:

1. The City of Menasha authorize the initiation of automated curbside collection of recyclables with its own Public Works employees. January 1, 2010 is the anticipated start date for automated service.
2. The purchase of 6,500 96-gallon carts from Cascade Engineering at a cost of \$277,745.
3. Funding for the purchase of carts should be advanced from the Recycling Fund with repayment to the Fund from an annual cart lease charge of \$5.00 per dwelling unit, to be placed on the property tax bill.
4. Modify the existing recycling truck by mounting an automated collection device on the front end of the truck and making associated revisions to hopper and compartments, with costs charged to the Equipment Replacement Fund.
5. Cautiously develop bi-weekly recycling collection as it becomes cost efficient.

City of Menasha

Public Works Facility

Memorandum

Date: 7/30/2009

To: Mark Radtke, Director of Public Works
Board of Public Works

From: Tim Jacobson, Public Works Superintendent

Re: Privatization Questions

Per instructions from Aldermen Benner & Zelinski, we have gathered the attached information for your review.

- Local 1035 contract page 1, Article II, D (Subcontracting).
- Council 40 AFL-CIO, representing Local 1035 AFSCME submitted articles:
 1. Reasons to keep public service in public hands.
 2. Gazette.Net; (Maryland Community) article.
 3. Daily Journal; (San Mateo County) article.
 4. W-2 Contract; Milwaukee Journal (JSOnline) article.
- City wants trash hauler to clean up its act; (Franklin, WI) article.
- Village of Sherwood (collected by Veolia); miscellaneous collection fees.
- Town of Menasha (collected by Veolia); 2009 Garbage/Recycling Calendar and fee schedule.

Single Stream – Part III

At the last Board of Public Works meeting there were questions from alderman's Benner and Zelinski. Alderman Benner requested:

1. Contract language, what steps would need to be taken according to the Collective Bargaining Agreement.
2. Something good about privatization in a community of our size.

Answers to alderman Benner:

1. The collective bargaining agreement addresses “subcontracting” in Article II under Managements Rights Reserved. Although there would possibly be some extensive maneuvering/bargaining between labor and management, it does not prohibit this action by the common council. The cost of the maneuvering/bargaining should be considered to be part of the cost for privatization as an administration expense.
2. As far as finding “something good” to say about a competitor, I have none! Council 40 of the AFL-CIO which represents AFSCME Local 1035 has provided information (included) demonstrating problems that have occurred in communities that have private vendors collecting solid waste.

The Department of Public Works is also submitting a newspaper article pointing out problems the City of Franklin recently experienced, scheduling and costs from the Town of Menasha’s private vendor, and a testimonial from a City of Menasha employee that resides in the Village of Sherwood. The Department of Public Works is providing cost comparatives for the City of Menasha. Also worth noticing is the Sherwood resident pays more for an equal service than a town resident. The service is provided by the same vendor and the Sherwood resident lives closer to the vendor’s private landfill.

As far as alderman Zelinski believing a private vendor being “cheaper”; I can not verify that assertion. I can verify that “cheaper” is not always better! According to actual costs the City of Menasha Department of Public Works has remained highly competitive with private vendors cost wise.

The part that is not quantified is the “Quality of Service”. Is a private vendor going to:

- a) Maintain our drop-off site?
- b) Deliver dumpster and service them for community function and celebrations – and absorb that cost?
- c) Actually help residents with carts and information out on the route?
- d) Be more concerned with the people than profit margin?
- e) Streetscape should item(s) be out late or early?

MENASHA MUNICIPAL EMPLOYEES

LABOR AGREEMENT

This Agreement, made and entered into by and between the City of Menasha, Wisconsin, party of the first part hereinafter referred to as the "Employer" and the Menasha Municipal Employees Union, Local 1035, AFSCME, AFL-CIO, and affiliated with the Wisconsin Council of County and Municipal Employees, party of the second part hereinafter referred to as the "Union".

ARTICLE I - RECOGNITION

The Employer recognizes the Union as the exclusive collective bargaining representative for all regular full-time, regular part-time and regular seasonal employees in the Fleet Maintenance Department, Street Department, Sanitation Department, Park Department and Bridge Department in classifications listed on Appendix "A" excluding craft, temporary, confidential or professional employees, supervisors, or department heads. The Employer agrees not to discriminate against any employee because of race, creed, color, national origin, sex or union affiliation.

ARTICLE II - MANAGEMENT RIGHTS RESERVED

- A. General. Unless as otherwise herein provided, the management of the work and the direction of the working forces, including but not limited to, the right to hire, promote, demote, suspend or otherwise discharge for proper cause, and the right to relieve employees from duty because of lack of work or other legitimate reason is vested exclusively in the Employer.
- B. Work Rules. The Employer may adopt and publish reasonable rules which may be amended from time to time. Except for rules, regulations and directives from the State of Wisconsin, or any other governmental agency having jurisdiction over the Employer, such rules and regulations shall be submitted to the Union, if possible prior to their effective date, for its consideration.
- C. Union Action. Action to amend, alter or otherwise change said rules and/or regulations shall be taken through the grievance procedure, in this Agreement.
- D. Subcontracting. The Employer may contract out for any goods and services, but before doing so the Employer agrees to meet and negotiate with the Union in the event such subcontracting affects any employee in the bargaining unit.

ARTICLE III - CONDUCT OF BUSINESS

The Union agrees to conduct its business off the job as much as possible. This Article shall not operate as to prevent a steward from the proper conduct of any grievance in accordance with the procedure outlined in this Agreement, nor to prevent routine business such as the posting of Union Notices and Bulletins.

Business Agents or Representatives of the Union having business with the officers or individual members of the Union may confer with such officers or members during the course of the

Reasons to keep public services in public hands.

What kind of labor disputes are you inviting with privatizing?

Private Companies may seem like a good deal initially, but privatizing brings more uncertainty in providing a service and in the reliability of the workforce (see attached “*workers threaten strike*” article—pp 2 & 3). In this particular story, Waste Management was short changing the workers which led to the threat of a strike. The quickest way for a politician to “get the boot” is to make decisions that lead to trash piling up. By state law, striking is NOT an option for Menasha, or any other, public employees.

Public service takes a back seat.

Because a corporation’s first mission is to make as much profit as possible, they cut corners and service to the public to save every single penny. Each corporation is required to do this to better service their stock-holders. This corporate reality often means that citizens receive much poorer service (see “*Allied Waste trashed over poor service*”—p 4). The Menasha sanitation crew has an excellent reputation for going out of their way to service Menasha residents.

Corporate Mismanagement

The third example in this packet, (“*W-2 Contractor Shuffle Continues*”—p 5), is a real problem that is much more common than people realize. There is a short list of websites listed at the bottom of this page that reveal how many corporate promises have never been realized due to corporate mismanagement. City, county, and federal governments end up regretting ever privatizing because of the mess left behind by corporate mismanagement. The privatizing of the U.S. water systems, toll-ways, highways, social services, sanitation, and yes—even our military—has lead to many horror stories that cost the public more in the long- and short-run. This problem is real, and often results in instability—as well as major headaches for local government. If you need examples of corporate mismanagement, just read the paper and ask who’s responsible for our current economic problems?

Where do you want Menasha citizen’s money to end up?

Privatizing has resulted in money leaving communities. Currently, the City of Menasha pays its employees—local residents—a living wage. When other communities have outsourced jobs out-of-state companies have moved in, cut wages and benefits, and removed those real dollars by sending them to Texas, Florida, or overseas. Doesn’t it make more sense to support local residents who make a living wage, money they reinvest locally? Outsourcing those dollars to some company headquartered in Miami or Tokyo doesn’t add up, especially since OUR money could end up providing yet a larger mega-bonus for an already over-paid executive. Corporations have been known to over-compensate their friends, not exactly an example of good management or efficiency.

<http://www.cbc.ca/news/features/water/atlanta.html>

http://minnesota.publicradio.org/collections/special/columns/news_cut/archive/2009/03/privatization_gone_bad.shtml

<http://www.transportworkers.org/node/1042>

<http://eyeonwilliamson.org/?p=730>

<http://www.workerscompinsider.com/archives/000815.html>

Gazette.Net

Maryland Community Newspapers Online

Sanitation workers threaten strike

Thursday, Jan. 19, 2006

by Marcus Moore, Staff Writer

Nearly 100 Waste Management employees claim that the \$13 billion Texas company wants to reduce their wages and eliminate their pension plan.

Union officials said this week that if Waste Management does not back off its stance and submit a new contract proposal, then the employees, working from the Temple Hills branch, could go on strike.

“We went in there with good intentions of continuing negotiations, but they aren’t willing to reach an agreement,” said Doug Webber, business representative of Teamsters Local 639, which represents the workers. “They’re trying to strong-arm us to accepting their terms and suggestions. It just doesn’t make sense.”

Union and Waste Management officials began contract negotiations in mid-October, Webber said.

The employees’ contract expired Nov. 26. And while Webber could not give specifics of the deal on the table, he said that the Houston company gave the employees until Jan. 9. to accept the proposal. Webber met with employees on Monday to discuss the current deal, and they decided to move forward with a public campaign in the meantime.

Company officials offered few details.

Lisa Kardell, a company spokeswoman, issued a statement, saying that Waste Management’s final offer “provides a wage and benefit package at or above the industry standard in the Washington, D.C., metro area.”

“The company has given the union its last, best and final offer. At this critical juncture, we believe that commenting publicly about the specifics of this offer and the status of the negotiations is not fair to the process, nor would it foster continued good faith negotiations,” Kardell said. “Although we hope the matter can be resolved amicably and quickly, the company is fully prepared to service our customers with minimal or no interruption.”

The sanitation workers started their public campaign this week, asking residents and civic and political leaders to sign an “Appeal for Justice,” asking Waste Management to offer a new contract to the employees, union officials said.

The workers — who pick up trash from private residences in Prince George’s County, FedEx Field in Landover, grocery stores, schools and hospitals — say the public campaign is designed to put pressure on Waste Management officials.

But this week’s campaign is not the workers’ first, however; they hand-billed patrons outside FedEx Field during a Washington Redskins’ game in December.

The local actions are part of a national Teamster campaign, involving more than 9,000 Waste Management workers, according to union officials.

Waste Management is the nation’s biggest trash hauler, according to Hoover’s, an online business information service, with 25 million residential and 2 million commercial customers in the United States and Canada. In 2004 it had about 51,000 employees and a profit of \$939 million, up 49 percent from the previous year, on sales of \$12.5 billion.

However, in the third quarter of 2005, its profit shrank to \$215 million from \$302 million in the prior-year quarter.

http://www.gazette.net/stories/011906/busipgl160249_31903.shtml

THE DAILY JOURNAL

San Mateo County's homepage

Allied Waste trashed over poor service *January 19, 2006, By Dana Yates*

San Carlos resident Jan Smith doesn't think it should take a college degree to take out the garbage, but every Monday she and her neighbors worry they'll do something wrong and Allied Waste employees won't pick up their trash or recycling.

Garbage workers regularly pass up her and her neighbor's garbage cans and recycling bins. During the recent rains, she placed recyclable paper in a cardboard box before putting it in the wet recycle bin. The garbage workers took the paper and threw the recyclable cardboard box in front of her house. In other cases, residents from Burlingame through Palo Alto are reporting missed and late pick ups.

"They used to be so nice and friendly years ago. Now, I feel I can't ask them for help," Smith said. Complaints of poor service seem to be piling up when it comes to Allied Waste garbage service and city officials are taking notice. Yesterday, the South Bayside Waste Management Authority, which represents cities from Burlingame to Palo Alto, took aim at the poor customer service during an annual performance review held at San Carlos City Hall.

The main issue was Allied Waste's lack of customer service and nearly 700 missed pick ups last year that were not corrected within 24 hours of a customer complaint. The company received 9,558 missed pick-up complaints last year. Of those, approximately 670 were not cleared within 24 hours, according to a report conducted by SBWMA.

Allied Waste isn't supposed to have more than 180 missed pick ups per year. Anymore than that can result in fines, according to the garbage contract renewed last year.

Allied Waste and the SBWMA differ on how the numbers are determined, which could make it hard to impose fines. The discrepancies between the SBWMA and Allied had the review board — Menlo Park City Manager Dave Boesch, Foster City Manager Jim Hardy and San Carlos Assistant City Manager Brian Moura — frustrated with the lack of response and willingness from Allied Waste to correct the problems.

Adding to the frustration, customers are forced to stay on hold longer than they should, said Boesch.

About 15 percent of the calls Allied Waste receives are pick-up complaints. Those may be a contributing factor in customer wait times while on hold. "I'm a little disappointed with BFI/Allied Waste's response. If we've been trying since 2002 to create standards — that's more than enough time to address that problem," Boesch said.

Despite the ongoing frustration, the SBWMA voted last year to extend Allied Waste's contract through 2011.

Dana Yates can be reached at: dana@smdailyjournal.com or by phone: (650) 344-5200 ext. 106.

http://www.smdailyjournal.com/article_preview.php?id=53642



W-2 contractor shuffle continues / Some worry clients, employees will suffer

Source: STEVE SCHULTZE, Journal Sentinel (WI), Jan. 23, 2006

When the Milwaukee Center For Independence backed away from its \$10.4 million state contract to run Wisconsin Works welfare reform programs in part of Milwaukee late last year, it set off a chaotic musical-chairs game of changes that hasn't stopped. The main contractor for W-2 job training will switch again on the city's near north and northwest sides - for the third time in three years - with the last-minute substitution of a Denver-based firm. That means that some of the 30 subcontractors that have done much of the work also will likely change, triggering layoffs and uncertainty for those workers. And although state officials insist that no clients will be shortchanged during yet another transition, advocates fear some poverty-stricken W-2 clients will get neglected.

<http://www.jsonline.com/general/43488212.html>

City wants trash hauler to clean up its act

Veolia could be fined, lose next contract

By JOHN NEVILLE
jneville@cninow.com

Complaints about residential trash-hauler Veolia Environmental Services North America have triggered a warning from Franklin officials.

In the final year of a three-year \$2.9 million contract with the city, Veolia has been told to improve service or risk more fines and possibly its chances for

a new contract.

The Common Council recently directed the Board of Public Works and the Environmental Commission to keep closer tabs on the firm that collects trash, recyclables, brush and leaves throughout the city.

John Bennett, city engineer and director of the Department of Public Works, said that from March through January, City Hall got 69 complaints about Veolia's service. Forty-two of the complaints were about late or no garbage pick-ups, 17 about

brush pick-ups and 10 about recyclable problems.

The city has the right to fine Veolia \$50 per residence for a missed collection and has fined the company three times in the last year, Bennett said.

City officials said most of the complaints come from residents in aldermanic District 1, where collection is on Friday.

"It's not just necessarily missed pick-ups in my area," said District 1 Alderman Steve Olson. "If it starts snowing, sometimes they just decide it's

too snowy to continue.

"That problem is citywide, it's not just in my district. Inconsistency is the hallmark of Veolia."

Bennett said turnover among Veolia drivers has contributed to the problem.

"It takes a while to get used to a route, so you have misses," he said. "And when those occur on a Friday, chances are they're not going to pick up until Monday."

"So you have the issue of trash blowing around over the weekend."

Bennett said the city will likely begin seeking bids for the new waste contract this summer.

According to city records, Veolia underbid Waste Management, its major regional competitor, by about \$893,000 for the last three-year contract.

Jason Sturino, Veolia regional maintenance marketing manager, did not return a reporter's call for comment.

John Neville can be reached at (262) 446-6609.

Restaurant expansion linked to parking pact

Pantheon owner plans to increase dining area

Franklin Shopping Center where Pick 'n Save is located. Pick 'n Save management has complained the restaurant's parking routinely spills into its lot, and Sharpe said his client has been unable to reach

By JOHN NEVILLE
jneville@cninow.com



7/30/09

An employee of the City of Menasha lives in the Village of Sherwood and supplied us with this information. We have answered the same questions that were posed to Veolia regarding pickup in his neighborhood if the collection took place in the City of Menasha.

“Veolia Environmental Services provides refuse collection in the Village of Sherwood. I recently contacted Veolia regarding a possible additional pickup for carpet removal.”

1. The lady from Veolia told me if it was one room of carpet I could arrange for an additional pickup for approximately \$100.00.
2. The carpet would need to be in a maximum of 4 foot lengths and could not exceed a certain weight. She did not know the weight.
3. For three rooms of carpet she recommended a dumpster. To provide a six yard dumpster with one dump the cost was approximately \$102.00.
4. I asked her what the charge would be for a couch (just as an example). She told me again it would need to be in 4 foot lengths and the cost would be approximately \$75.00.
5. There are two days a year (one in the spring and one in the fall) that are designated as “clean-up” days in Sherwood. It is at this time that you can put anything and everything at the road for pick up. The only limitations are the need for a “freon sticker” if applicable. There is no additional charge for the “clean-up” days.

The same pickup scenarios in the City of Menasha would be:

1. One room of carpet I could put out for collection any week of the month with a bulky item tag (one of the yearly tags that are provided or a \$10.00 purchased tag).
2. We ask that carpet be cut and rolled or stacked in a 4-5 foot width although carpet that is not cut is also collected. No weight restriction.
3. Each room of carpet (pad included) would require a bulky item tag. Cost for 3 rooms would be 3 tags or \$30.00.
4. A couch is a bulky item and would require a bulky item tag.
5. We do not have a “free clean-up” collection day. Any additional refuse can be put out for collection any regular collection day of the month as long as it is tagged properly.

TOWN OF MENASHA - 2009 GARBAGE/RECYCLING CALENDAR

Recycling A week pick-up - White Background

Recycling B week pick-up - Yellow Background

Town Chipper will pick up branches (NOT BUNDLED) piled along the road with "cut ends" toward the road **ON YOUR GARBAGE DAY DURING THE WEEKS IN RED**

Yard Waste/Leaf Collection in opened bags or containers (including bundled sticks) picked up by Veolia Environmental Services in weeks with this pattern, regardless of A/B week.

JAN 13 - JAN 16, 2009 - CHRISTMAS TREE PICK UP ON YOUR GARBAGE DAY

NOTE CHANGE:



MONDAY HOLIDAY WEEKS: Tues.-Fri. pick up will be Wed.-Sat.
Thanksgiving: Thurs. and Fri. will be picked up on Fri. and Sat.

Any questions or concerns call:
Veolia Environmental Services 1-800-688-4285
Town of Menasha Street Dept 720-7110

Household Hazardous Waste Disposal
April 24-25, 2009
Call 832-5277 for an appointment!

JANUARY				
Tues	Wed	Thur	Fri	Sat
			2	3
6	7	8	9	
13	14	15	16	
20	21	22	23	
27	28	29	30	

FEBRUARY				
Tues	Wed	Thur	Fri	Sat
3	4	5	6	
10	11	12	13	
17	18	19	20	
24	25	26	27	

MARCH				
Tues	Wed	Thur	Fri	Sat
3	4	5	6	
10	11	12	13	
17	18	19	20	
24	25	26	27	
31				

*** SEE REVERSE SIDE OF CALENDAR FOR HELPFUL INFORMATION ***

APRIL				
Tues	Wed	Thur	Fri	Sat
	1	2	3	
7	8	9	10	
14	15	16	17	
21	22	23	24	
28	29	30		

MAY				
Tues	Wed	Thur	Fri	Sat
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12	13	14	15	
19	20	21	22	
	27	28	29	30

JUNE				
Tues	Wed	Thur	Fri	Sat
2	3	4	5	
9	10	11	12	
16	17	18	19	
23	24	25	26	
30				

county website: www.co.winnebago.wi.us/solidwaste

town website: www.town-menasha.com

JULY				
Tues	Wed	Thur	Fri	Sat
	1	2	3	
7	8	9	10	
14	15	16	17	
21	22	23	24	
28	29	30	31	

AUGUST				
Tues	Wed	Thur	Fri	Sat
4	5	6	7	
11	12	13	14	
18	19	20	21	
25	26	27	28	

SEPTEMBER				
Tues	Wed	Thur	Fri	Sat
1	2	3	4	
	9	10	11	12
15	16	17	18	
22	23	24	25	
29	30			

LEAF COLLECTION IN DECEMBER IS LEAVES ONLY - NO OTHER YARD WASTE WILL BE PICKED UP!

OCTOBER				
Tues	Wed	Thurs	Fri	Sat
		1	2	
6	7	8	9	
13	14	15	16	
20	21	22	23	
27	28	29	30	

NOVEMBER				
Tues	Wed	Thur	Fri	Sat
3	4	5	6	
10	11	12	13	
17	18	19	20	
24	25		27	28

DECEMBER				
Tues	Wed	Thur	Fri	Sat
1	2	3	4	
8	9	10	11	
15	16	17	18	
22	23	24		26
29	30	31		

GARBAGE AND RECYCLING INFORMATION

AUTOMATED COLLECTION OF GARBAGE AND RECYCLABLES! The Town of Menasha will begin automated collection of garbage and recycling. The effective date has not been set, but we will keep you informed of details as they become available. *All Town of Menasha residents will be issued one container for garbage and one container for recyclables to use with the new automated system. Further information regarding automated garbage & recyclables collection will be printed in future issues of "The Bridge"; posted on our website: town-menasha.com and will be available at the Municipal Complex.*

Effective July 1, 2009, you will commingle your PAPER RECYCLABLES with your other RECYCLABLES (plastics #1 & #2, glass, tin, aluminum cans)!

FALL LEAF COLLECTION 2009 - Leaf collection will not change with the implementation of automated garbage and recyclables collection. Leaf collection begins the week of October 19 and ends the week of December 1, on your garbage day. **PLEASE NOTE: NO LEAF COLLECTION THE WEEK OF THANKSGIVING.** Place leaves in untied plastic bags, biodegradable paper bags, or containers composed of non-rusty metal, non-breakable plastic or rubber & undamaged lifting handles—no more than 30 gallon capacity.

GRASS CLIPPINGS - are NOT collected curbside. You are encouraged to leave your grass clippings on your lawn, but if you do bag them, you can dispose of them at the Winnebago County Landfill, 100 W. County Rd Y, Oshkosh.

CHIPPING PROGRAM...all brush, branches & cuttings from trees **must** have the cut end facing the road, piled alongside the road **no more than 48 hours prior to your pick up day.** Refer to the Town of Menasha Garbage/Recycling Calendar for specific dates and visit our website at www.town-menasha.com/StreetWeb/chipping.htm for details on the chipping program.

BULKY ITEMS COLLECTION –

- **Local salvage dealer** – Check the phone directory for local dealers who will dispose of your items.
- **Veolia E.S. You must call 1-800-688-4285 to make arrangements for this service:**
 - White goods with refrigerants (refrigerator, freezer, air-conditioner, dehumidifier) - \$63.00
 - White goods without refrigerants (stove, washer, dryer, console tv, dishwasher, water heater, hide-a-bed) - \$54.60
 - Microwave oven - \$36.75
 - Mattress, box spring, sofa, chair, carpet (bundled in 4' x 4' sections) - \$36.75
 - Automobile tire with rim - \$31.50
 - Automobile without rim - \$26.25
- **Winnebago County Landfill** – Resident must transport items to the landfill - 100 W. County Rd Y, Oshkosh, 727-2884, Hours: Mon thru Fri 7am to 3pm & Sat 7am to 12 noon. For a complete list of accepted items visit their website: www.co.winnebago.wi.us
 - White goods with refrigerants - \$13.00
 - White goods without refrigerants - \$5.00
 - Car tires (16" or less) - \$3.00/ea. (more than 5 tires are charged by weight)
 - Batteries - \$1.00/ea. (All lead acid batteries must be placed in battery collection bin only)
 - Propane tanks - \$5.00

COMPUTER / ELECTRONIC RECYCLING - Winnebago County now offers a recycling option *every day* during regular business hours! Fees: \$10 for a TV or monitor; \$5 for a laptop, CPU, printer; VCR; **NO CHARGE** for disposal of keyboards, computer mouse, speakers, cords, cell phones. Limit 4 computers/TVs per person. For more information, call (920) 232-1850.

PAINT...Latex paint can be disposed of with your regular trash when the paint is dry. If the paint is still liquid, open the top and allow the paint to air dry. To speed up the process, you may add sand, kitty litter or latex paint hardener to the paint.

Remember: State and local laws require every residence and business in Wisconsin to recycle office paper, newspaper, magazines, cardboard, aluminum/glass/plastic/tin food cans, beverage containers, tires, appliances, motor oil, lead acid batteries and yard waste. Discard caps & lids – rinse all containers. For more information visit: <http://dnr.wi.gov/org/aw/wm/recycle/law/>



Memorandum

DATE: July 30, 2009

TO: Board of Public Works

FROM: Mark Radtke, Director of Public Works *MR*

RE: Illicit Discharge and Connection Ordinance

The attached ordinance is a requirement of our Storm Water Discharge Permit as regulated by Chapter NR 216 of the Wisconsin Administrative Code. The purpose of the ordinance is to minimize the discharge of pollutants carried by storm water runoff from industrial sites, construction sites and municipal storm sewer systems in general.

Some of the permit requirements include the development of an ordinance, initial outfall field screening, on-going dry weather field screening, development of procedures for responding to illicit discharges, and removal of illicit discharges. Sources of illicit discharges include spills, illegal dumping or washing into inlets, leaking or exposed dumpsters, exposed outdoor material storage and sanitary – storm sewer cross connections.

The Department of Public Works is responsible for coordinating this program.

Attachment

Memorandum BPW memo re illicit discharge ordinance 7-30-09.doc

AN ORDINANCE RELATING TO ILLICIT DISCHARGE AND CONNECTION

Introduced by Alderman Taylor

The Common Council of the City of Menasha does ordain as follows:

SECTION 1: Title 6, Chapter 8 is created as follows:

6-8-1 PURPOSE/INTENT

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Menasha through the regulation of non-storm water discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the Wisconsin Pollutant Discharge Elimination System (WPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the MS4 by storm water discharges by any user.
- (2) To prohibit illicit connections and discharges to the MS4.
- (3) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

6-8-2 DEFINITIONS

For the purposes of this ordinance, the following shall mean:

Authorized Enforcement Agency. Employees or designees of the Director of Public Works.

Best Management Practices (BMPs). Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

Contaminated Stormwater. Stormwater that comes into contact with material handling equipment or activities, raw materials, intermediate products, final products, waste materials, byproducts or industrial machinery in the source areas listed in NR 216 (effective August 1, 2004).

Department (DNR). The Wisconsin Department of Natural Resources.

Discharge. As defined in Wisconsin Statute 283 (November 1, 2005), when used without qualification includes a discharge of any pollutant.

Discharge of pollutant or discharge of pollutants. As defined in Wisconsin Statute 283 (November 1, 2005), means any addition of any pollutant to the waters of this state from any point source.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit Discharge. Any discharge to a municipal separate storm sewer system that is not composed entirely of storm water except discharges authorized by a WPDES permit or other discharge not requiring a WPDES permit such as landscape irrigation, individual residential car washing, fire fighting, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, flows from riparian habitats and wetlands, and similar discharges.

Illicit Connections. An illicit connection is defined as either of the following:

- Any drain or conveyance, whether on the surface or subsurface that allows an illicit discharge to enter the MS4 including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the MS4 and any connections to the MS4 from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,
- Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity. Activities subject to WPDES Industrial Permits per NR 216 (effective August 1, 2004) and Wisconsin Statute 283 (November 1, 2005)

Municipality. Any city, town, village, county, county utility district, town sanitary district, town utility district, school district or metropolitan sewage district or any other public entity created pursuant to law and having authority to collect, treat or dispose of sewage, industrial wastes, storm water or other wastes.

Municipal Separate Storm Sewer System (MS4). As defined in Wisconsin Administrative Code NR 216 (effective August 1, 2004), means a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all the following criteria:

- (a) Owned or operated by a municipality.
- (b) Designed or used for collecting or conveying storm water.
- (c) Which is not a combined sewer conveying both sanitary and storm water.

- (d) Which is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.

Non-Storm Water Discharge. Any discharge to the MS4 that is not composed entirely of storm water.

Owner. Any person holding fee title, an easement or other interest in property.

Outfall. The point at which storm water is discharged to waters of the state or to a storm sewer.

Person. An individual, owner, operator, corporation, partnership, association, municipality, interstate agency, state agency or federal agency.

Pollutant. As defined in Wisconsin Statute 283 (November 1, 2005), means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

Pollution. As defined in Wisconsin Statute 283 (November 1, 2005), means any man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

Pollution Prevention. Taking measures to eliminate or reduce pollution.

Premises. Any building, lot parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Stormwater. Runoff from precipitation including rain, snow, ice melt or similar water that moves on the land surface via sheet or channelized flow.

Storm Water Management Plan/Stormwater Pollution Prevention Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent practicable.

Wastewater. Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

Watercourse. A natural or artificial channel through which water flows. These channels include: all blue and dashed lines on the USGS quadrangle maps, all channels shown on the soils maps in the NRCS soils book for Winnebago County and Calumet County, all channels identified on the site, and new channels that are created as part of a development. The term watercourse includes waters of the state as herein defined.

Waters of the State. As defined in Wisconsin Statute 283 (November 1, 2005), means those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses,

drainage systems and other surface water or groundwater, natural or artificial, public or private within the state or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person.

Wisconsin Pollutant Discharge Elimination System (WPDES) Storm Water Discharge Permit. A Wisconsin pollutant discharge elimination system permit issued pursuant to Wisconsin Statute 283 (November 1, 2005).

6-8-3 APPLICABILITY

This ordinance shall apply to all water entering the MS4 generated on any lands unless explicitly exempted by an authorized enforcement agency.

6-8-4 RESPONSIBILITY FOR ADMINISTRATION

The Department of Public Works and/or its agents shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the Department of Public Works may be delegated in writing by the Director of the Department of Public Works to persons or entities acting in the beneficial interest of or in the employ of agency.

6-8-5 COMPATIBILITY WITH OTHER REGULATIONS

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

6-8-6 SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

6-8-7 ULTIMATE RESPONSIBILITY

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

6-8-8 DISCHARGE PROHIBITIONS

(1) Prohibition of Illicit Discharges

No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water.

(2) Allowed Discharges

- (a) Water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing,

flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.

- (b) Discharges or flow from firefighting, and other discharges specified in writing by the Department of Public Works as being necessary to protect public health and safety.
- (c) Discharges associated with dye testing, however this activity requires a verbal notification to the Department of Public Works and the Department of Natural Resources a minimum of one day prior to the time of the test.
- (d) Any non-storm water discharge permitted under a WPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Wisconsin Department of Natural Resources. Any person subject to such a WPDES Stormwater discharge permit shall comply with all provisions of such permit.

(3) Prohibition of Illicit Connections

- (a) The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
- (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (c) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
- (d) Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the Department of Public Works.
- (e) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the Department of Public Works requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Department of Public Works.

6-8-9 WATERCOURSE PROTECTION

Every person owning property through which watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free to trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

6-8-10 COMPLIANCE MONITORING

(1) Right of Entry: Inspecting and Sampling

The Department of Public Works shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance.

- (a) If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Department of Public Works.

- (b) Facility operators shall allow the Department of Public Works ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records.
- (c) The Department of Pubic Works shall have the right to set up on any facility such devices as are necessary in the opinion of the Department of Public Works to conduct monitoring and/or sampling of the facility's storm water discharge.
- (d) The Department of Public Works has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure Stormwater flow and quality shall be calibrated to ensure their accuracy.
- (e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Department of Public Works and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (f) Unreasonable delays in allowing the Department of Public Works access to a facility is a violation. A person who is the operator of a facility commits an offense if the person denies the Department of Public Works reasonable access to the facility for the purpose of conducting any activity authorized or required by this ordinance.

(2) Special Inspection Warrant

If the Department of Public Works has been refused access to any part of the premises from which storm water is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Department of Public works may seek issuance of a special inspection warrant per state statute 66.0119.

6-8-11 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES

The owner or operator of any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the MS4, or waters of the State shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal MS4 or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid WPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a Storm Water Management Plan (SWMP)/Stormwater Pollution Prevention Plan (SWPPP) as necessary for compliance.

6-8-12 NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into storm water, the MS4, or waters of the State, said

person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Department of Public Works in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Department of Public Works within 3 business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 5 years.

Failure to provide notification of a release as provided above is a violation of this ordinance.

6-8-13 VIOLATIONS, ENFORCEMENT, AND PENALTIES

(1) Violations

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

In the event the violation constitutes an immediate danger to public health or public safety, the Department of Public Works is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures to abate the violation. The Department of Public Works is authorized to seek costs of the abatement as outlined in Section 16.

(2) Warning Notice

When the Department of Public Works finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, the Department of Public Works may serve upon that person a written Warning Notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice. Nothing in the subsection shall limit the authority of the Department of Public Works to take action, including emergency action or any other enforcement action without first issuing a Warning Notice.

(3) Notice of Violation

Whenever the Department of Public Works finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the Department of Public Works may order compliance by written notice of violation to the responsible person.

The Notice of Violation shall contain:

- (a) The name and address of the alleged violator;
- (b) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
- (c) A statement specifying the nature of the violation;
- (d) A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action;

- (e) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- (f) A statement that the determination of violation may be appealed to the Department of Public Works by filing a written notice of appeal within 3 days of service of notice of violation; and
- (g) A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a designated governmental agency or contractor and the expense thereof shall be charged to the violator.

Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation of BMPs.

(4) Suspension of MS4 Access

(a) Emergency Cease and Desist Orders

When the Department of Public Works finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of the persons or to the environment, the Department of Public Works may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

- (1) Immediately comply with all ordinance requirements; and
- (2) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

Any person notified of an emergency order directed to it under this subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the Department of Public Works may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the State, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The Department of Public Works may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the Department of Public Works that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this ordinance. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measure taken to prevent any future occurrence, to the Department of Public Works within 3 days of receipt of the prerequisite for, taking any other action against the violator.

(b) Suspension due to Illicit Discharges in Emergency Situations

The Department of Public Works may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the Department of Public Works may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the State, or to minimize danger to persons.

(c) Suspension due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Department of Public Works will notify a violator of the proposed termination of its MS4 access. The violator may petition the Department of Public Works for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Department of Public Works.

(5) Prosecution and Penalties

Any person that has violated or continues to violate this ordinance shall be liable to prosecution to the fullest extent of the law. In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within the set time period specified by the Department of Public Works, after the Department of Public Works has taken one or more of the actions described above, the Department of Public Works may impose a penalty not to exceed \$1000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

6-8-14 APPEAL OF NOTICE OF VIOLATION

Any person receiving a Notice of Violation may appeal the determination of the Department of Public Works. The notice of appeal must be filed with the Department of Public Works 3 days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 60 days from the date of receipt of the notice of appeal.

6-8-15 ENFORCEMENT MEASURES AFTER APPEAL

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, the municipal authority upheld the decision of the Department of Public Works, then representatives of the Department of Public Works are authorized to enter upon the subject private property and authorized to take any and all measures necessary to abate the violation. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

6-8-16 COST OF ABATEMENT OF THE VIOLATION

The owner of the property will be notified of the cost of abatement, including administrative costs. If the amount due is not paid by the date determined by the municipal authority, the

charges shall become a special charge against the property and shall constitute a lien on the property.

6-8-17 VIOLATIONS DEEMED A PUBLIC NUISANCE

Any condition in violation of any of the provisions of this ordinance and declared and deemed a nuisance, may be summarily abated or restored at the violator's expense.

6-8-18 REMEDIES NOT EXCLUSIVE

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Department of Public Works to seek cumulative remedies.

The Department of Public Works may recover all attorneys' fees, court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

6-8-19 EFFECTIVE DATE

This ordinance shall be in force and effect from and after its adoption and publication. The above and foregoing ordinance was duly adopted by the Common Council of the City of Menasha on the ____ day of _____, 2009.

SECTION 2: this ordinance shall become effective upon its passage and publication as provided by law.

Passed and approved this ____ day of _____, 2009

Donald J. Merkes, Mayor

ATTEST: _____
Deborah A. Galeazzi, City Clerk

AN ORDINANCE REPEALING AND RECREATING SECTIONS 9-4-8(1) AND 9-4-9(1) & (3)
OF THE MENASHA CODE OF ORDINANCES

Introduced by Alderman Pack

The Common Council of the City of Menasha does ordain as follows:

9-4-8 CUSTOMER CLASSIFICATION

- (1) Customer Classes. For the purposes of imposing the stormwater charges, all lots and parcels within the city are classified into the following six (6) customer classes.
 - (a) Residential, Single Family
 - (b) Residential, Duplex (Two-Family)
 - (c) Residential, Multi-Family *{Including Manufactured Housing Communities}*
 - (d) Residential, Riparian
 - (e) Non-residential
 - (f) Undeveloped
 - (g) Right-of-way
- (2) Parcel Classification. The Director of Public Works shall assign a customer classification to each lot and parcel within the City of Menasha.
- (3) ERU. The ERU is established to be 2,980 square feet.

9-4-9 CHARGE FORMULAS

- (1) Residential, Single Family. The charges imposed for residential properties comprised of a single living unit *including housing units located within manufactured housing communities* shall be the charge for one ERU, i.e.

Residential parcel charge = one ERU fee

For the purposes of this ordinance a lot located within a manufactured housing community shall be considered a parcel.

- (3) Residential, Multi-Family. The charges imposed for residential properties with three (3) or more attached living units ~~or manufactured housing communities~~ shall be the charge for one ERU times the numerical factor obtained by dividing the total square footage of impervious area of the property by the square footage of one ERU. The factor shall be rounded down to the nearest one-tenth (0.1), i.e.

Multi-Family parcel charge = ERU charge x parcel impervious area ÷ 2,980 square feet

Passed and approved this _____ day of _____, 2009.

Donald J. Merkes, Mayor

ATTEST:

Deborah A. Galeazzi, City Clerk