

**CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday May 21, 2012**

**6:00 PM
AGENDA**

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL/EXCUSED ABSENCES
- D. PUBLIC HEARING
- E. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THE CITY
(five (5) minute time limit for each person)
- F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS
1. Tom Chalchoff - Gilbert Site (Ald. Klein)
 2. Clerk Galeazzi - the following minutes and communications have been received and placed on file:
Minutes to receive:
 - a. [Administration Committee, 5/7/12](#)
 - b. [Board of Public Works, 5/7/12](#)
 - c. [Parks and Recreation Board, 3/12/12](#)
 - d. [Personnel Committee, 5/7/12](#)
 - e. [Plan Commission, 4/24/12](#)
 - f. [Police Commission, 3/15/12](#)Communications:
 - g. [Ald. Klein, 5/15/12 NM Fire Rescue Backdraft Bike Tour information](#)
 - h. [Ald. Taylor, 5/15/12; NM Memorial Day Parade confirmation](#)
 - i. [Customers First! Newsletter, The Wire; May 2012](#)
 - j. [PC Styka, 5/15/21; Elementary School Police Liaison](#)
 - k. [Proclamation, 5/17/12; Celebrating Public Works Week](#)
 - l. [Public Works Facility, 5/10/12; Jan/Feb/March 2012 Disposal Violations](#)
- G. CONSENT AGENDA
(Prior to voting on the Consent Agenda, items on the Consent Agenda may be removed at the request of any Alderman and place immediately following action on the Consent Agenda. The procedures to follow for the Consent Agenda are: (a) removal of items from Consent Agenda; and (b) motion to approve the items from Consent Agenda.)
- Minutes to approve:
1. [Common Council, 5/7/12](#)
- Administration Committee, 5/7/12; recommends approval of:
2. [Accept quote of The Post Crescent as the official City newspaper, May 2012-May 2013.](#)
 3. [Proposal from McMahon Engineers/Architects for architectural design modifications to Menasha Senior Center](#)
 4. [Updates to Operator's License Guidelines](#)
- Board of Public Works, 5/7/12; recommends approval of:
5. [Recommendation to Award – Menasha Utilities 16 Inch Transmission Main Construction Broad Street to Power Canal; Contract M0002-910333; Dorner, Inc.; \\$532,952.50](#)
 6. [Recommendation to Award – Menasha Utilities High Lift Pumping Station/Standby Generator & Motor Control Modifications; Contract M0002-910283-B; Pieper Electric, Inc.; \\$612,400.00](#)
 7. [Recommendation to Award – Menasha Utilities Elevated Water Tank Demolition; Contract M0002-910283-A; Iseler Demolition, Inc.; \\$7,510.00](#)

H. ITEMS REMOVED FROM CONSENT AGENDA

I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 5/10/12 to 5/17/12 in the amount of \\$655,503.48](#)
2. [Moving of the Marina fence – Ald. Krueger](#)

J. ORDINANCES AND RESOLUTIONS

1. [R-13-12 - Resolution authorizing the issuance and sale of up to \\$639,000 water system revenue bonds, series 2012, and providing for other details and covenants with respect thereto, and approval of related \\$683,451 financial assistance agreement \(Introduced by Mayor Merkes\)](#)

K. APPOINTMENTS

1. [Accept resignation of Liz Nevitt for NM Fire Commission](#)
2. Mayor's appointment to NM Fire Commission
 - a. [Almeida T. John, 401 Ahnaip St., for the term of May 15, 2012 to May 1, 2013](#)

L. CLAIMS AGAINST THE CITY

M. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA
(five (5) minute time limit for each person)

N. ADJOURN

MEETING NOTICE

Common Council – Monday, June 4, 2012

Common Council - 6:00 pm

Administration Committee – 6:30 p.m.

Board of Public Works – 7:00 p.m.

Recall Election – Tuesday, June 5, 2012

CITY OF MENASHA
ADMINISTRATION COMMITTEE
Third Floor Council Chambers
140 Main Street, Menasha
May 7, 2012
MINUTES

DRAFT

A. CALL TO ORDER

Meeting called to order by Chairman Klein at 7:30 p.m.

B. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Taylor, Sevenich, Langdon, Krueger, Zelinski, Englebert, Benner, Klein

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Styka, DPW Radtke, CDD Keil, C/T Stoffel, PRD Tungate, PHD Nett, Jean Wollerman (YMCA), Clerk Galeazzi and the Press.

C. MINUTES TO APPROVE

1. Administration Committee, 4/17/12

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

Motion carried on voice vote.

D. ACTION/DISCUSSION ITEMS

1. Accept quote of The Post Crescent as the official City newspaper, May 2012-May 2013.

Moved by Ald. Benner, seconded by Ald. Sevenich to recommend to Common Council Quote of the Post Crescent as the official City newspaper.

Motion carried on voice vote.

2. Proposal from McMahon Engineers/Architects for architectural design modifications to Menasha Senior Center

PHD Nett and Jean Wollerman explained McMahon Engineers proposal for a conceptual design for modifications to the Senior Center. Changes need to be made for safety reasons. It will give more space in the Senior Center. Excess funds from the roofing project can be used for the conceptual design.

Ald. Taylor stated he will abstain from voting on this item as he has a relative employed by McMahon.

Moved by Ald. Langdon, seconded by Ald. Krueger to recommend to Common Council The proposal from McMahon Engineers/Architects for architectural design modifications Motion carried on roll call 7-0. Ald. Taylor - abstained

3. Updates to Operator's License Guidelines

PC Styka explained the changes recommended by staff and aldermen for Operator's License.

General discussion ensued on the changes.

Moved by Ald. Taylor, seconded by Ald. Langdon to recommend to Common Council the Updates to Operator's License Guidelines

Motion carried on roll call 8-0.

DRAFT

4. Motion to Remove from the Table – Option to Purchase from FP One LLC, former NMFR Station 36, 901 Airport Road.

Moved by Ald. Englebert, seconded by Ald. Benner to Remove from the Table, Option to Purchase from FP One LLC, former NMFR Station 36, 901 Airport Road.

Motion failed on roll call 3-5.

Ald. Taylor, Englebert, Benner – yes

Ald. Klein, Sevenich, Langdon, Krueger, Zelinski – no

E. ADJOURNMENT

Moved by Ald. Zelinski, seconded by Ald. Benner to adjourn at 7:51 p.m.

Motion carried on voice vote.

Respectfully submitted by Deborah A. Galeazzi, WCMC, City Clerk

CITY OF MENASHA
Board of Public Works
Third Floor Council Chambers
140 Main Street, Menasha
May 7, 2012
MINUTES

DRAFT

A. CALL TO ORDER

Meeting called to order by Chairman Taylor at 7:57 p.m.

B. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Taylor, Sevenich, Langdon, Krueger, Zelinski, Englebert, Benner, Klein

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Styka, DPW Radtke, CDD Keil, C/T Stoffel, MU Co-Managers Sturm & Krause, Clerk Galeazzi and the Press.

C. MINUTES TO APPROVE

1. April 17, 2012

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

Motion carried on voice vote.

D. ACTION ITEMS

1. Recommendation to Award – Menasha Utilities Elevated Water Tank Demolition; Contract M0002-910283-A; Iseler Demolition, Inc.; \$7,510.00

Co-Manager Sturm explained the Utilities Commission recommends awarding to Iseler Demolition Inc the contract for the Elevated Water Tank Demolition project as they were the lowest bidder. The project could start in late August.

Moved by Ald. Zelinski, seconded by Ald. Benner to recommend to Common Council to award Menasha Utilities Elevated Water Tank Demolition, Contract M0002-910283-A to Iseler Demolition, Inc in the amount of \$7,510.00

Motion carried on roll call 8-0.

2. Recommendation to Award – Menasha Utilities 16 Inch Transmission Main Construction Broad Street to Power Canal; Contract M0002-910333; Dorner, Inc.; \$532,952.50

Co-Manager Sturm explained of the six bids received Dorner, Inc was the lowest. He explained the project area. The project is part of the Safe Drinking Water Loan.

Moved by Ald. Zelinski, seconded by Ald. Krueger to recommend to Common Council to award Menasha Utilities 16 inch Transmission Main Construction Broad Street to Power Canal, Contract M0002-910333 to Dorner Inc in the amount of \$532,952.50

Motion carried on roll call 8-0.

3. Recommendation to Award – Menasha Utilities High Lift Pumping Station/Standby Generator & Motor Control Modifications; Contract M0002-910283-B; Pieper Electric, Inc.; \$612,400.00

Co-Manager Sturm explained the original lowest bid for this project was rejected by the Utilities Commission as an error was discovered in the bid submitted. The lowest bidder withdrew their bid. The Utilities Commission recommends awarding the project to Pieper Electric after West Electric Inc, who was the original lowest bidder, were allowed to withdraw their bid.

Moved by Ald. Zelinski, seconded by Ald. Krueger to recommend to Common Council to award Menasha Utilities High Lift Pumping Station/Standby Generator and Motor Control Modifications, Contract M0002-910283-B to Pieper Electric Inc in the amount of \$612,400.00

Motion carried on roll call 8-0

4. Midway Road Walk Update

DPW Radtke gave an updated on the Midway Road sidewalk project. The Town of Menasha accepted the City's engineering design services proposal and the preliminary design work has been completed. The City's portion of the design work has been completed and staff is working on easement descriptions for the right of way plat. The City will need to acquire the easements and proceed with the special assessments. The Town is responsible for securing its own easement and special assessments. Staff anticipates the project to be completed by October or November, 2012.

5. Storm Water Utility Financial Report

C/T Stoffel summarized the financial report through April 2012. The Storm Water Utility Fund was created in 2009. Funds have been set aside to purchase a high speed street sweeper in 2013.

E. ADJOURNMENT

Moved by Ald. Englebert, seconded by Ald. Benner to adjourn at 8:34 p.m.
Motion carried on voice vote.

Respectfully submitted by Deborah A. Galeazzi, WCMC, City Clerk

CITY OF MENASHA
Parks and Recreation Board
Council Chambers, City Hall – 140 Main Street
March 12, 2012
DRAFT MINUTES

A. CALL TO ORDER

The meeting was called to order by Vice Chr. R. Suttner at 6:01 p.m.

B. ROLL CALL/EXCUSED ABSENCES

MEMBERS PRESENT: Ald. Mark Langdon, Sue Pawlowski, Ron Suttner, Luke Schiller, Lisa Hopwood and Nancy Barker

MEMBERS EXCUSED: Chr. Dick Sturm

OTHERS PRESENT: PRD Tungate, PS Maas, Jeremy Maas, Student from FVTC

C. MINTUES TO APPROVE

1. **Minutes of the February 14, 2012 Plan Commission Meeting**

Moved L. Hopwood, seconded by N. Barker to approve the minutes of the February 14, 2012 Park Board meeting. Motion carried 6-0.

D. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA

Five (5) minute time limit for each person.

1. No one spoke.

E. REPORT OF DEPARTMENT HEADS/STAFF/YOUTH LIAISON OR CONSULTANTS

1. **Director's Report**

PRD Tungate reported that a lot of time has been spent on the hiring process for the upcoming summer. The hiring of a seasonal park laborer has added time to this process. Work is also being done on the City's 5-Year Open Space and Recreation Facilities Plan. The hope is to have a revised draft for the Board to review in the next month or so. He also reported that the Common Council recently voted to remove the \$5 electric receptacle charge earlier recommended by the Board.

2. **Park Project and Vandalism Report**

PS Maas reported that several new park identification signs were built by park staff, some areas are being prepped for some pool tile replacement, downtown fountains will have timers installed, Kolso concession stand had some interior remodeling done, fascia on the Jefferson Park pavilion is being replaced. PS Maas will be at the WPRRA Spring Workshop to demonstrate how to use poured in place rubberized playground surfacing to other communities.

3. **Update on Neenah/Menasha Park Corps and Friends of the Menasha Pool**

PRD Tungate reported on the Neenah/Menasha Park Corps and the Friends of the Menasha Pool. The Park Corps is meeting on March 13. Website updates are being done. The group plans to be in the Memorial Day parade and some brochures will also be printed. The group is also very close to "going live". The pool friends group is also meeting on March 13. They are working on three main initiatives. They include: participation in this year's Duck Drop, starting a small triathlon in early June as fundraiser and planning a ten music event at the pool, probably sometime in August.

F. DISCUSSION

1. **Letter from Mike Jones, U.S. Department of Agriculture, regarding James Island Cormorant Population Control**

PS Maas described plans that the US Dept. of Agriculture- Wildlife Services Division has for reducing the cormorant population on James Island. The USDA has secured a grant for this population reduction action, which is set for sometime this spring. No City labor or other resources are required. Cormorants are a nuisance bird that have started to devastate the tree population on the island.

2. **April Meeting Topics**

PRD Tungate stated that work is being done on creating city-wide donation policy as well as some language that would pertain specifically to park and recreation donations. This topic may be on next month's agenda. Rules must also be adopted by the Board pertaining to sponsorships. A status report on the new neighborhood park and the Gilbert site were also requested.

G. ACTION ITEMS

1. **Recommendation to Proceed with Small Greenspace Expansion Inside the Marina**

Motion by N. Barker, seconded by L. Hopwood to proceed with moving a section of fence at the Marina to create a small greenspace within the Marina in the southeast corner. Work will not commence until staff has contacted the nearby apartment building manager and/or tenants to discuss the project with them. There is a concern that sounds from this new area could impact renters, however, rules for use of the area by slip renters should alleviate any concerns. Motion carried 6-0

H. PUBLIC COMMENT ON ANY MATTER LISTED ON THE AGENDA

Five (5) minute time limit for each person

1. No one spoke.

I. ADJOURNMENT

Moved by N. Barker, seconded by L. Hopwood to adjourn at 7:21 p.m. Motion carried 6-0.

CITY OF MENASHA
PERSONNEL COMMITTEE
Third Floor Council Chambers
140 Main Street, Menasha
May 7, 2012
MINUTES

DRAFT

A. CALL TO ORDER

Meeting called to order by CA/HRD Captain at 8:35 p.m.

B. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Taylor, Sevenich, Langdon, Krueger, Zelinski, Englebert, Benner, Klein, Mayor Merkes

ALSO PRESENT: CA/HRD Captain, PC Styka, DPW Radtke, CDD Keil, C/T Stoffel, Clerk Galeazzi

C. MINUTES TO APPROVE

1. Personnel Committee, 4/17/12

Moved by Mayor Merkes, seconded by Ald. Benner to approve minutes.

Motion carried on voice vote.

D. ACTION ITEMS

1. Election of Chairman (held 4/17/12)

CA/HRD Captain opened the floor for nominations.

Ald. Klein nominated Ald. Krueger for Chairman.

Ald. Benner nominated Ald. Englebert for Chairman.

Having no other nominations, the nominations were closed.

Roll call for Chairman:

Aldermen Klein, Sevenich, Langdon, Krueger, Zelinski voted for Ald. Krueger

Aldermen Taylor, Englebert, Benner, Mayor Merkes voted for Ald. Englebert

Alderman Krueger was elected Chairman on a 5-4 vote

Alderman Krueger took over as Chairman

2. Election of Vice-Chairman (4/17/12)

Chairman Krueger opened the floor for nominations.

Ald. Langdon nominated Ald. Zelinski for Vice-Chairman.

Mayor Merkes nominated Ald. Englebert for Vice-Chairman.

Having no other nominations, the nominations were closed.

Roll call for Vice-Chairman:

Aldermen Klein, Sevenich, Langdon, Krueger, Zelinski voted for Ald. Zelinski

Aldermen Taylor, Englebert, Benner, Mayor Merkes voted for Ald. Englebert

Alderman Zelinski was elected Vice-Chairman on a 5-4 vote

E. ADJOURNMENT

Moved by Ald. Zelinski, seconded by Ald. Sevenich to adjourn at 8:40 p.m.

Motion carried on voice vote.

Respectfully submitted by Deborah A. Galeazzi, WCMC, City Clerk

CITY OF MENASHA
Plan Commission
Council Chambers, City Hall – 140 Main Street
April 24, 2012
DRAFT MINUTES

A. CALL TO ORDER

The meeting was called to order at 3:31 PM by Mayor Merkes.

B. ROLL CALL/EXCUSED ABSENCES

PLAN COMMISSION MEMBERS PRESENT: Mayor Merkes, Commissioners Sturm, Cruickshank and Schmidt, DPW Radtke and Ald. Benner.

PLAN COMMISSION MEMBERS EXCUSED: None

PLAN COMMISSION MEMBERS ABSENT: None

OTHERS PRESENT: CDD Keil, PP Homan, Vince Knuth, Tom Van Dalen and Steve Dietzen

C. MINUTES TO APPROVE

1. **Minutes of the April 3, 2012 Plan Commission Meeting**

Motion by Comm. Sturm, seconded by DPW Radtke to approve the April 3, 2012 Plan Commission meeting minutes as presented.

The motion carried.

D. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA

1. No one spoke.

E. DISCUSSION

1. **Potential Appleton Street Rezoning Application – R-1 to R-2 Non-Conforming Duplex**

PP Homan summarized the proposal and stated that the person making the request was not able to attend the meeting. This item was held.

2. **Potential Lawson Street Rezoning Application – R-1 to I-2**

CDD Keil stated that Vince Knuth, owner of 46 Lawson Street, inquired about the possibilities for rezoning the parcel. The Community Development Department is not in favor of the rezoning because of the predominant residential character of the neighborhood and that the comprehensive plan called for future residential land use.

Mr. Knuth described the past use of the property which included parking some construction vehicles and auto repair, and stated that the property had formerly been zoned industrial. There is also an electric transmission tower on the property.

Commissioners discussed:

- The land use recommendations of the comprehensive plan
- The past use of the property
- Potential impacts on other properties in the neighborhood if the property would be rezoned
- Limitations on the parcel and its suitability for industrial use

The consensus of the Plan Commission was that was little basis for amending the comprehensive plan or the zoning ordinance to permit commercial or industrial use.

ACTION ITEMS

1. Site Plan – Fast N Easy Pawn, 1275 Appleton Road

CDD Keil stated that the site plan had been modified to meet the building material, parking lot screening and landscaping requirements of the zoning ordinance. Compliance with the lighting standards has yet to be determined. Tom Van Dalen reviewed the changes that had been made and indicated that the refuse/recycling containers would be housed within the main structure. Therefore, the dumpster enclosure has been eliminated.

Commissioners discussed:

- Landscaping
- Lighting
- Building Materials

Motion by DPW Radtke, seconded by Comm. Sturm to approve the site plan subject to staff approval of the lighting plan, and the addition of an arbor vitae or similar upright evergreen at the point of transition of the existing structure to the proposed addition on the south side of the building. The motion carried.

G. ADJOURNMENT

Motion by Comm. Schmidt, seconded by Ald. Benner to adjourn at 4:40 p.m.

The motion carried.

Minutes respectfully submitted by CDD Greg Keil.



President Ron Duuck called the meeting to order Thursday March 15, 2012 at 4:30PM, Menasha Safety Building, 430 First Street, Menasha, Wisconsin

Present:, Ron Duuck, Tony Gutierrez, ,Terri Reuss, Chief Styka, Marshall Spencer Excused absence: Jason Dionne

Meeting minutes

- Tony Gutierrez moved to accept the order January 18, 2012 minutes. Marshall Spencer seconded the motion. The motion was unanimously carried.

Chief Styka report

Correspondence:

- Neenah Police Department: Letter of Appreciation
- Letter of Resignation & Acceptance: Officer Paul Scheppf
- Michael Whiting: Letter of Appreciation

Training:

- All Sworn Personnel: Legal Update & Emergency Vehicle Operations FVTC
- Matt Lens: AR15 Armorer, Instructor Development, Firearms Instructor
- Nick Thorn: Instructor Development, FVTC
- Ann Gollner: PSLO Conference, Madison, WI
- Tim Styka, Angie Hanchek and Ron Bouchard: Wisconsin Chiefs Of Police Conference, WI Dells

Department Updates:

- Lieutenant Process: Chief Styka recommends Officer Jamal Kavar to fill Lieutenant position. Terri Reuss made a motion for the Commission to support Chief Styka's choice. Tony Gutierrez seconded the motion. The motion was unanimously carried.
- OIC Appointment: Officer Nick Oleszak
- K-9 Position Opening: Officer Matt Spiegel
- Plan to issue unique badge numbers to each officer will move forward.

Adjourn: Motion by Tony Gutierrez seconded by Terri Reuss, at 5:18pm. The motion was unanimously supported.

- The next bi monthly meeting will be held Thursday, May 17th 2012 4:30pm Menasha Safety Building, 430 First Street, Menasha, Wisconsin.

Menasha alderpersons occasionally attend meetings of this body. It is possible that a quorum of Common Council, Board of Public Works, Administration Committee, Personnel Committee, may be attending; however no official Action of any of these bodies will be taken.

Menasha is committed to its diverse population. Our non- English speaking population or those with disabilities are invited to contact the acting Chief of Police at 967-3500 at least 24-hours in advance to ensure special accommodations can be made.

Respectfully submitted,
Marshall Spencer,
Commissioner, Secretary

REGISTRATION FORM:

(Please print clearly for accurate spelling)

First Name: _____ Initial: _____

Adult Riders Name: _____

Youth Riders Name "s": _____

Last Name: _____

Address: _____

City: _____ St: _____ Zip: _____

Phone: _____

Email: _____

Please Check One:

Family Tour Only: (16 mile route) _____

Individual Tour Length Riding: _____

30 _____ 50 _____ 75 _____ 100 _____

Dry Wick T-Shirts:

Shirts are limited to individuals ages 16 & older. (Must pre-register by May 18 to get shirts)

Shirt Size & Quantity (one each for Moms & Dads)

Sm _____ Md _____ Lg _____ XL _____

FREE Youth cotton t-shirts:

Shirts are limited to riders 15 & under. (Must pre-register by May 18 to get shirts)

Shirt Size & Quantity

Youth Sm _____ Md _____ Lg _____

Total Enclosed: _____

Check Payable: Neenah-Menasha Firefighters Local 275

Benevolent Fund (Bike Tour)

125 E. Columbian Avenue

Neenah, WI 54956

Proudly Sponsored By:

Neenah-Menasha Fire Rescue

Local 275



Backdraft

Bike Tour

Sunday, June 10

Jefferson Park

Menasha, WI

FAMILY FRIENDLY ROUTE

16 MILES

*** Helmets Mandatory ***

TOUR LENGTHS

30, 50, 75, & 100 MILES

BENEFITING:



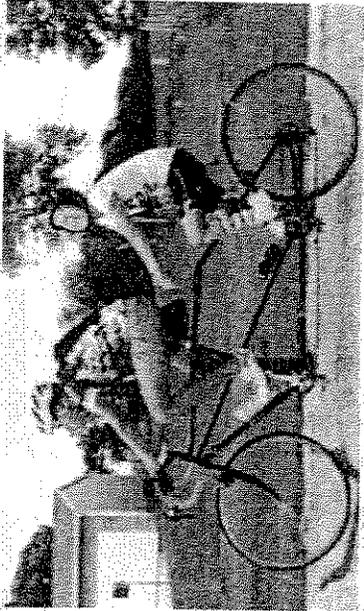
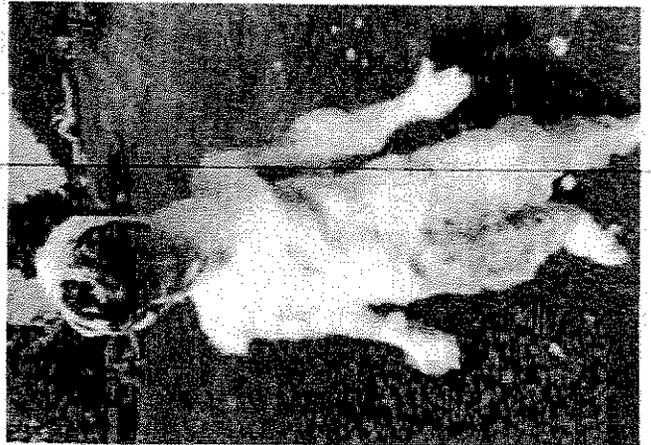
Summer Camp for
Burn Injured Youth

FEEL THE BURN (rain or shine)

Tour the scenic countryside north & east of Lake Winnebago. You will travel along the rural roads that Wisconsin is famous for. Proceeds from this tour go to the Wisconsin Alliance for Fire Safety. www.wafs.org Open to the public. All ages & abilities WELCOME!

ALL-INCLUSIVE PERKS

- * Firefighter supported Rest Stops
- * SAG, mechanical and medical support
- * Lunch after your ride inside the Jefferson Park Pavilion
- * Dry wick T-Shirts (must pre-register)
- * FREE Youth cotton t-shirts for riders 15 & under (must pre-register)
- * Family Ride rest stop at Station 31
- * Joy in supporting a GREAT cause



Registration

Online registration: (www.active.com)

www.nmfire.org (Backdraft Bike Tour)

By Mail:

Send in the attached, completed registration form with payment to the address on the form.

COST (Tax Deductable)

Pre-register by May 18: (must pre-register to receive Dry wick T-Shirts, also FREE 15 & under Youth cotton t-shirts)

Individual \$25, Family \$40 (riders 15 & under FREE, including FREE youth cotton t-shirts)

Registration after May 18:

Individual \$30, Family \$50

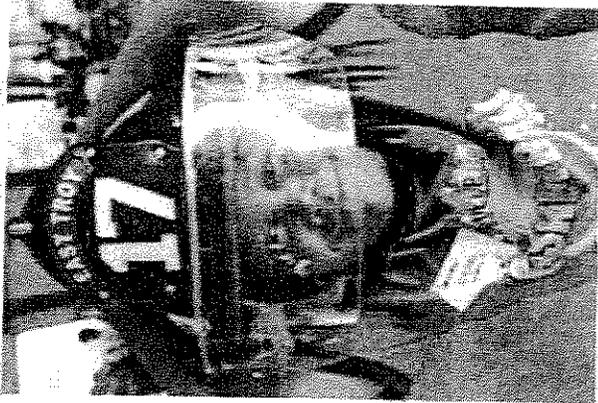
Start Times

75 & 100 mile routes: 7 am

30 & 50 mile routes: 8 am

16 mile Family route: 9 am

* All routes Start & Finish at Jefferson Park Pavilion Menasha, WI



Rest Stops

Family Stop at Neenah-Menasha Fire Rescue Station 31

Town of Harrison (Firefighters & Friends)

Calumet County Park (Firefighters & Friends)

Town of Potter (Potter Fire Station)

Forest Junction Park (Firefighter & Friends)

WAIVER (Must be signed)

I/my family know that participating in this bike tour can be hazardous to my health and personal injury may result. I/my family agree to abide by any race officials assessment during the race should the need for assistance arise. I/my family release, discharge, and hold harmless the event volunteers, staff, and event sponsors from any claims for injury or damages arising from my participating in this tour. Furthermore, I/my family release the use of photos taken of me during/after the race to race organizers for their use. One signature per family. I/my family agree to wear a helmet while riding in the bike tour. I/my family have read and agree to the rules of this tour posted on the registration web site.

Signature: _____

Date: _____



To: Council
 Fr: Ald. Taylor
 May 15, 2012

MENASHA POST 152
 NEENAH POST 33

MENASHA POST 2126
 NEENAH POST 10893

**NEENAH-MENASHA
 MEMORIAL DAY PARADE COMMITTEE**

We are pleased that you have decided to be part of our May 28, 2012 Memorial Day Parade. We are providing information concerning the parade and your participation. Please be sure to read everything, and provide this same information to participants as necessary.

PARADE LINEUP BEGINS AT 8:00 AM. YOUR LINEUP NUMBER IS 24.

This means you will be lining up on Second Street in Menasha East of Milwaukee Street. You should enter the lineup area from Racine Street and place your unit facing towards Milwaukee Street. You may temporarily move the barricades to enter the lineup area, but must replace them immediately upon passing through. A map of the area is provided for your benefit.

Your lineup number will be posted on a sign in the area where you are to line up. There will be Parade Committee Members in the area during lineup. Please see them should you need assistance.

THE PARADE WILL BEGIN AT 9:00 AM SHARP
 ENSURE YOU ARE ON TIME,
 AS THE PARADE WILL BEGIN WITHOUT CONSIDERATION FOR MISSING ENTRIES

All units will merge onto Milwaukee Street in assigned order proceeding south and turn west (right) onto Main Street, and then making a left onto Washington Street and continuing onto Commercial Street in Neenah. The Parade will make a right onto Wisconsin Avenue and continue on to disband at Doty Avenue.

Please be advised units are not allowed to toss candy from floats or vehicles. Candy and treats can be handed out only by persons walking along the parade route. This rule has been enacted to provide for the safety of parade spectators.

Participants in the ceremony at Oak Hill cemetery are asked to proceed then to the cemetery.

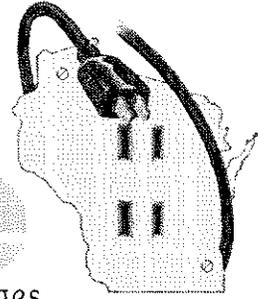
Please contact Michael Taylor at 920-725-5380 should you need additional information..

THANK YOU FOR PARTICIPATING IN THE MEMORIAL DAY ACTIVITIES!

A Coalition
to preserve
Wisconsin's
Reliable and
Affordable
Electricity

Customers First!

the Wire



Plugging you in to electric industry changes

608/286-0784 • P.O. Box 54 • Madison, WI 53701 • www.customersfirst.org • MAY 2012 • Vol. 17, No. 5

Retail wheeling revival?

After several years of relative quiet, April brought a sudden burst of talk about expanding retail electric competition to greater numbers of customers. It seemed to start with a new "study" by the COMPETE Coalition, which says it's made up of several hundred electricity customers and providers.

The coalition rolled out a report claiming to show the "stunning performance of electricity competition and choice." Authored by a former chairman of the Illinois Commerce Commission, the report claims almost one-fifth of America's electricity is provided by a competitive supplier and cites rapid growth in customer switching.

Almost immediately, the Retail Energy Supply Association (RESA), which calls itself "a

leading trade association of retail energy suppliers committed to vibrant and sustainable competitive electricity markets," rolled out a press release lauding the report. RESA said it "commends the effort and supports the findings" behind the COMPETE Coalition study.

We got curious and compared the membership of RESA with the membership of the COMPETE Coalition. It turns out RESA is pretty much the large energy companies involved in



the COMPETE Coalition, so no wonder they liked the study.

By the way, the study doesn't say much about customer satisfaction or reliability or price advantages under retail competition—which have been shown pretty consistently to be non-existent at best. It seems to conclude that retail competition is great because so many people buy their electricity that way.

The claim might be stated more accurately (if less persuasively) by saying retail competition is great because large energy providers were able to convince a couple of dozen state legislatures to adopt it.

Barely 24 hours after the COMPETE and RESA press releases tripped over each other, a Houston conference of the Gulf Coast Power Association heard from Mayo Shattuck, executive chairman of the newly merged Constellation Energy Group and Exelon.

Mr. Shattuck, according to a Reuters report, opined that more states might want to introduce or expand retail electric competition, now that natural gas is so cheap.

Retail competition, he said, will lead us to "the cleaner, smarter energy grid that we

Back where it all began...

Even though California is what everyone remembers, it wasn't there but rather New Hampshire where, egged on by Enron, the first pilot program in retail electric competition was made to appear to get off the ground. That was 16 years ago but now alternative electricity providers are singing a familiar tune about serving customers who are too small to interest them.

At the end of March, the New Hampshire House tabled a bill requiring state regulators to move toward forcing Public Service of New Hampshire (PSNH) to sell off its generation assets.

Unlike other New Hampshire power companies, PSNH escaped divestiture early in the last decade when the Legislature called a halt to further restructuring in response to California's rolling blackouts and skyrocketing rates.

But this year non-utility power marketers like Maryland's Constellation Energy revived the campaign for divestiture and have been talking up retail competition—which already exists in New Hampshire, where anyone can choose their power supplier.

This has the familiar aroma of claims that don't add up. Advocates of competition say PSNH rates are higher than those of other providers, so it isn't obvious why they need legislation to mess with a competitor that looks like a sitting duck. For its part, PSNH says owning generation means being able to choose when to buy power on the unregulated regional wholesale market. The utility claims that's saved its customers \$700 million over the past decade.

A Manchester *Union Leader* editorial may provide a clue: The divestiture bill—tabled the day the editorial appeared—prohibits regulators from considering the impact of a PSNH sale on energy costs for people who buy from other providers.

Maybe competition isn't really what this is about. ⚡

Continued on page 3...

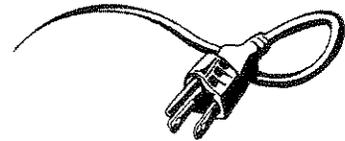
THE WIRE is a monthly publication of the Customers First! Coalition—a broad-based alliance of local governments, small businesses and farmers, environmental groups, labor and consumer groups, retirees and low-income families, municipal electric utilities, rural electric cooperatives, wholesale suppliers, and an investor-owned utility. Customers First! is a coalition dedicated to preserving Wisconsin's reliable and affordable electricity.

If you have questions or comments about THE WIRE or the Customers First! Coalition, please call 608/286-0784.



KEEPING CURRENT

With CFC Executive Director Matt Bromley



The federal Surface Transportation Board held a public hearing last month to explore the impact of Berkshire Hathaway's acquisition of the Burlington Northern Santa Fe (BNSF) railway. In February 2010 Berkshire Hathaway paid \$8.1 billion above book value to acquire BNSF. Shippers are concerned that Berkshire/BNSF may be able to pass on the acquisition premium to its captive customers in the form of higher rates.

BNSF is a major carrier of coal from Wyoming to power plants throughout the country, including Wisconsin. Groups such as the American Public Power Association, National Rural Electric Cooperative Association, Edison Electric Institute, and the National Association of Regulatory Utility Commissioners worry that higher rail rates will ultimately lead to higher electricity prices for customers. They have joined other shippers to voice their opposition to allowing the acquisition premium to be included in BNSF's cost base that forms part of the formula used to set shipping prices for "captive shippers," those with access to only one railroad. They argue that including the \$8.1 billion from the stock premium Berkshire Hathaway paid to acquire BNSF inflates the cost base, which then hikes the price of shipping goods like coal.

In addition to the utility and shipper groups, 11 United States senators filed comments opposing the proposed action by BNSF. Wisconsin Senator Herb Kohl—who has championed efforts to remove the railroads' antitrust-law exemption—was among them. Three senators testified at the hearing before the STB. In his testimony, Minnesota Senator Al Franken said, "Most shippers have absolutely zero bargaining power to negotiate with the railroads when they face a rate increase, and very few are able today to meet the incredibly high threshold of 180 percent of revenue to variable cost that the Board requires to bring a rate case. If this acquisition premium can be folded into BNSF's assets, an even smaller number of rail customers will be able to bring an action—or make a credible threat that they plan to challenge the rate."

The STB's ruling on this issue could have a significant impact on electricity customers. According to the freight rail shipper coalition, Consumers United for Rail Equity (CURE), one electric co-op announced the premium's addition would mean higher rates to transport fuel, which would be passed to customers and co-op owners in the form of \$60 million in higher electricity prices from 2012-2024. 💡



Bromley

Wind installations up last year

A surge in U.S. wind-energy installations took place in 2011, but a prominent industry advocate says however 2012 turns out, a decline is to be expected in 2013.

Bill Opalka of *Renewablesbiz* recently noted that new wind installations during 2011 topped 6,800 megawatts of rated capacity, slightly more than 30 percent higher than installations during 2010. But in mid-March he reported in another publication, *Energybiz*, that if the production tax credit is allowed to expire at the end of this year—as it appears on track to do—installations for 2013 will plummet to about 500 megawatts.

With the credit still in place for now, installations during 2012 are expected to reach a near-record 9,500 megawatts as developers race

to beat the expiration date, Opalka reported in *Energybiz*. Attempts to attach an extension of the tax credit to other legislation have been rejected in Congress so far this year. 💡

Energy saver tip

'Tis the season for outdoor projects, so have a look at the electrical tools you'll be using for yard work and sharpen the cutting edges. You'll get your work done faster, more efficiently, and use less electricity. You'll even work more safely because you won't have to struggle with equipment that isn't performing up to par. 💡

Wisconsin takes a pass on offshore pact

The governors of Illinois, Michigan, Minnesota, New York, and Pennsylvania have signed a memorandum of understanding (MOU) with the Obama administration and 10 federal agencies, aimed at expediting development of offshore wind-energy facilities on the Great Lakes.

Wisconsin took a pass on joining the Great Lakes Wind Energy Consortium, as did Indiana and Ohio.

Announced in April, the MOU seeks to accelerate development by allowing projects to go through a single regulatory review rather than

reviews by multiple agencies at both the state and federal levels.

The federal government estimates as much as 700 gigawatts of electricity could be produced from the Great Lakes. That's about one-fifth of the entire nation's offshore wind potential, as estimated by the DOE.

Great Lakes projects have been proposed on both the east and west shores of Michigan's lower peninsula and in the waters of Ohio, Pennsylvania, New York, and Ontario, but nothing has been built thus far.

A special 2009 study led by then-Commissioner Lauren Azar of the Wisconsin Public Service Commission identified severe cost disadvantages in siting wind turbines on Lake Michigan. The study group estimated construction costs at 140 to 300 percent greater than for land-based sites and operation and maintenance costs 125 to 250 percent higher depending on project size and distance offshore. Its January 2009 report said those numbers would translate to a production cost of 11.2 to 21.1 cents per kilowatt. 💡

Go with the flow?

A report released in April by the U.S. Department of Energy (DOE) ranks Wisconsin 15th among the 48 contiguous states for untapped hydropower potential. Existing dams at 13 Wisconsin sites identified by the DOE could produce enough power to roughly equal the output of one fair-sized fossil-fueled plant if generation equipment were installed, the data show.

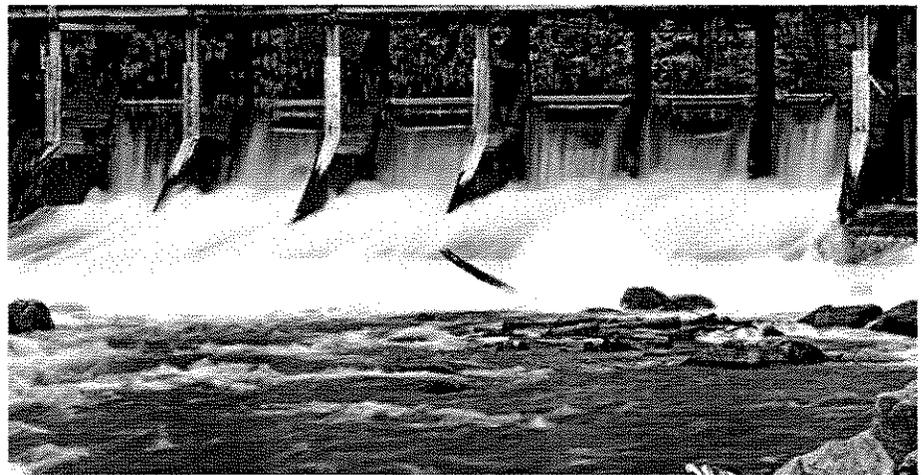
All but four of the Wisconsin sites are Army Corps of Engineers facilities on the Mississippi River between Dubuque, Iowa, and Red Wing, Minnesota.

Prepared for the DOE by the Oak Ridge National Laboratory, the report did not attempt to assess the economic feasibility of developing any of the sites.

Nationwide, the report said, existing dams currently lacking generation equipment could theoretically add as much as 12 gigawatts—or 15 percent—to existing hydropower capacity. Right now, some 2,500 U.S. dams are capable of producing 78 gigawatts of conventional hydropower. Pumped storage facilities can produce 22 gigawatts more.

The DOE surveyed 54,000 of about 80,000 non-power-generating dams. Illinois and Kentucky are the top two states, each with more than 1,200 megawatts of untapped potential. Placing third is Arkansas, with more than 1,100 megawatts. High-potential facilities tend to be concentrated in the Mississippi, Ohio, and Red River valleys.

In Wisconsin, the survey identified four



small sites ranging from one to four megawatts, two at Eau Claire and one each at Janesville and Neenah. But all of the Wisconsin sites with double-digit capacities are on the Mississippi. (In the DOE report, the potential capacity at sites lying on state boundaries is usually attributed to both states.)

Upstream from Dubuque, the report has seven Corps of Engineers facilities in its top 100 sites nationwide. The list includes Lock and Dam 11 (Grant County) at 68.8 megawatts estimated capacity; Lock and Dam (LD) 8 (Vernon County) at 46.2 megawatts; LD9 (Crawford Co.), 38.9 megawatts; LD5 (Buffalo Co.), 33.6 megawatts; LD7 (Winona Co., MN), 31.7 megawatts; LD4 (Buffalo Co.), 25.3 megawatts; and LD6 (Trempealeau Co), 22.8 megawatts.

Just missing the top 100 were LD5A near Winona at an estimated 19.5 megawatts and LD3 near Red Wing at 18.8 megawatts. Total Wisconsin capacity for possible development was estimated at 313 megawatts.

Characterizing the non-powered dams as a "unique national resource," the DOE noted that

adding power production "can often be achieved at lower cost, with less risk, and in a shorter timeframe than development requiring new dam construction." 💡

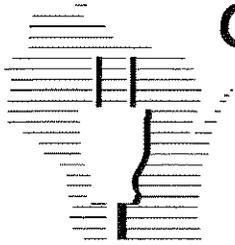
Revival?

Continued from page 1...

will need" to meet global competition. Reuters reported that Shattuck was especially excited about recent increased customer-switching in Maryland, Pennsylvania, and Illinois, and that he was also alert to developments in Ohio, Michigan, and Arizona.

Oddly enough, those same states are held up as examples of burgeoning retail competition in the COMPETE Coalition study.

And oddly enough, both Constellation Energy, whence Mr. Shattuck came, and Exelon, where he now presides, are affiliated with both RESA and the Compete Coalition. Small world. 💡

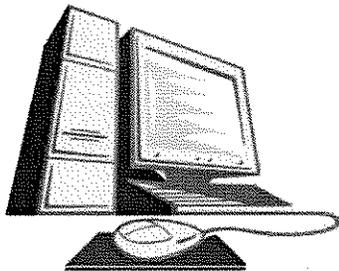


Customers First!

P.O. Box 54
Madison, WI 53701

A Coalition
to preserve
Wisconsin's
Reliable
and Affordable
Electricity

Be sure
to check out the
Customers First!
website at



www.customersfirst.org



Quotable Quotes

"In a way, we're trying to save them from themselves."

—Constellation Energy Vice President Daniel Allegretti,
explaining his company's push for legislation forcing Public
Service of New Hampshire to sell its power plants, quoted in
the *Manchester Union Leader*, March 11, 2012

*"Those who advocate forcing Public Service Company of New
Hampshire to sell its power plants should have begun their cam-
paign with a compelling answer to a very simple question: Why?"*

—Editorial, *Manchester Union Leader*, March 28, 2012

Help us share our messages with others. If you know of businesses or organizations that would like to learn more about protecting Wisconsin's reliable and affordable electricity, please feel free to copy and share with them all or part of this newsletter, or you can call 608/286-0784 to arrange an informational meeting.

Customers First!
Plugging Wisconsin In





To: Members of the Common Council

From: Chief Tim Styka

Date: May 15th, 2012

RE: Elementary School Police Liaison

Over the past few months the Menasha School District approached us with the concept of working together in developing an Elementary School Liaison position. We have spent this time looking at models of existing programs, determining if a need exists in our community and developing the job description for a possible position.

Last night at the School Board Meeting this program was presented as a discussion item on their agenda. The School Board will now have time to reflect on the program and various funding options if they decide to approve the position. Our current cost sharing arrangement with the School District for the current PSLO positions are a split funding of the position; 75% by the District and 25% by the City.

Because the School District is the larger stakeholder for this program, it was decided to present the information to this group first. Should the School Board wish to pursue this program further this item will be placed into Committee for the City for discussion.

This is a neat opportunity in which there are many benefits to the community. I should point out that everyone involved in the project understands it is essential to provide both governing bodies the opportunity to learn about this program so the best decisions for the community can be made. Should the School District decide to approve the concept, I would expect this topic to be placed on the Personnel Committee Agenda in June.

If there are any questions, please feel free to contact me.

PROCLAMATION

National Public Works Week May 20—May 26, 2012

WHEREAS, Public Works infrastructure, facilities and services are of vital importance to the health, safety, and well being of the people of this community; and

WHEREAS, the quality and effectiveness of these facilities and services are vitally dependent upon the efforts and skills of public works personnel; and

WHEREAS, such facilities and services could not be provided without the dedicated efforts of public works employees, engineers, and managers who plan, design, build, operate, and maintain the transportation, solid waste, storm water, sewage systems, public buildings and other structures essential to serve our citizens; and

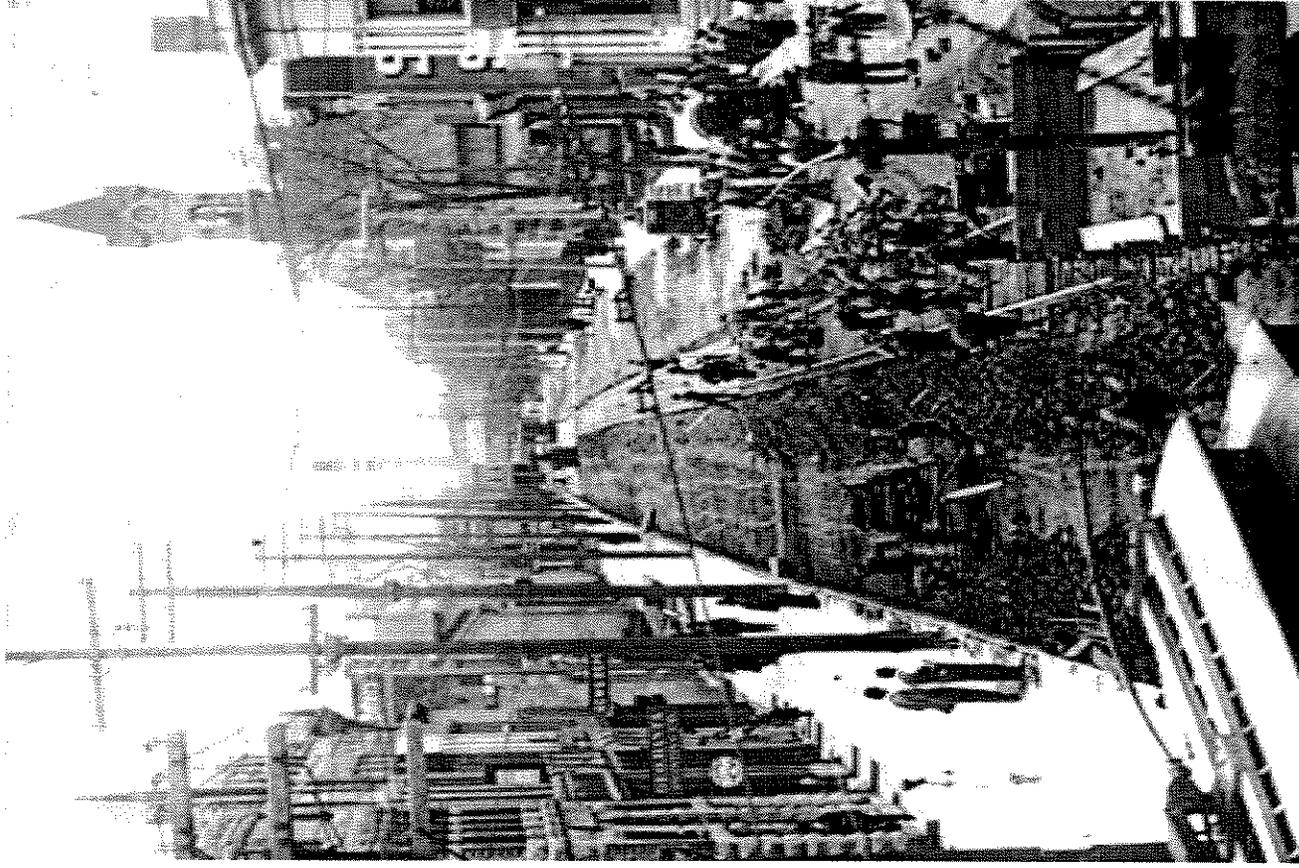
WHEREAS, it is important that our young people know that public works has thousands of rewarding careers; from the professionals who envision future communities, to the engineers who design them, to the dedicated men and women who operate and maintain the facilities, infrastructure, and systems that protect and enhance our quality of life every day; and

WHEREAS, this year's theme "Creating a Lasting Impression", speaks to the never ending effort of public works professionals who are called upon first to use sustainable solutions to bring their communities the highest possible quality of life within a framework of environmental, social, and economic responsibility;

NOW, THEREFORE, BE IT PROCLAIMED, that I Donald Merkes, Mayor of the City of Menasha, do hereby proclaim the week of May 20th - 26st, 2012 to be

NATIONAL PUBLIC WORKS WEEK

in the City of Menasha and ask all citizens to recognize our dedicated employees and the contributions they make to the betterment of our community.



Dated this 20th day of May, 2012

A handwritten signature in black ink, appearing to read "Donald Merkes".

Donald Merkes, Mayor

CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday May 7, 2012
MINUTES

DRAFT

A. CALL TO ORDER

Meeting called to order by Mayor Merkes at 6:05 p.m.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Taylor, Sevenich, Langdon, Krueger, Zelinski, Englebert, Benner, Klein
ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Styka, DPW Radtke, CDD Keil, C/T Stoffel,
PHD Nett, PRD Tungate, LD Lenz, Clerk Galeazzi and the Press.

D. PUBLIC HEARING

E. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THE CITY

(five (5) minute time limit for each person)

Chuck Peters, 332 8th Street. Support Petition of Tammy & Amara Hoffstatter and Chuck Peterson to license and house one more pet than allowed by ordinance.

Doug Landskron, 328 8th Street. Support Petition of Tammy & Amara Hoffstatter and Chuck Peterson to license and house one more pet than allowed by ordinance.

Scott Deeg, 344 8th Street. Support Petition of Tammy & Amara Hoffstatter and Chuck Peterson to license and house one more pet than allowed by ordinance.

Alice Jean Boness, 336 8th Street. Against Petition of Tammy & Amara Hoffstatter and Chuck Peterson to license and house one more pet than allowed by ordinance.

Tammy Hoffstatter, 332 8th Street. Support Petition of Tammy & Amara Hoffstatter and Chuck Peterson to license and house one more pet than allowed by ordinance.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

1. Steve Radich, Gold Cross - Gold Cross Ambulance Service Report

Steve Radich from Gold Cross Ambulance gave a presentation on the history of Gold Cross. An Open House will be held on May 19, 2012 at the Gold Cross facilities at 1055 Wittmann Drive to celebrate Emergency Medical Services Week.

Lee Murphy, 812 Ida Street thanked Gold Cross Ambulance crew for a fine job when he needed assistance.

Mayor Merkes presented a Proclamation to Mr. Radich recognizing Gold Cross Ambulance.

2. Clerk Galeazzi - the following minutes and communications have been received and placed on file:

Minutes to receive:

- a. Administration Committee, 4/17/12
- b. Board of Public Works, 4/17/12
- c. Board of Health, 3/14/12
- d. Committee on Aging, 3/8/12
- e. Library Board, 4/19/12
- f. NM Sewerage Commission, 2/28/12, 3/27/12
- g. Personnel Committee, 4/17/12
- h. Safety Committee, 3/27/12; Public Works/Parks Dept.
- i. Sustainability Board, 3/20/12
- j. Water & Light Commission, 4/25/12

Communications:

- k. Ald. Sevenich from Congressman Petri, 4/19/12; Current financial condition of the USPS
- l. Ald. Taylor, Post Crescent articles
- m. Menasha Historical Society Newsletter, May 2012
- n. Calumet County Clean Sweep 2012 information
- o. Proclamation – Celebrating Municipal Clerks Week
- p. Proclamation – Celebrating National Police Week
- q. Special Events Staff Members, 4/23/12; 2011 Program Review, 2012 Procedural Changes
- r. WisDOT – Public Information meeting regarding 441 Tri-County Expansion

Moved by Ald. Sevenich, seconded by Ald. Englebort to receive Minutes and Communications A-R

Discussion: Mayor Merkes read Proclamation for National Police Week.

Motion carried on voice vote.

G. CONSENT AGENDA

(Prior to voting on the Consent Agenda, items on the Consent Agenda may be removed at the request of any Alderman and place immediately following action on the Consent Agenda. The procedures to follow for the Consent Agenda are: (a) removal of items from Consent Agenda; and (b) motion to approve the items from Consent Agenda.)

Minutes to approve:

- 1. Common Council, 4/17/12
- 2. New Common Council, 4/17/12

Board of Public Works, 4/17/12; recommends approval of:

- 3. Application for City of Menasha Deferred Assessment Policy, First Addition to Lake Park Heights, Winnebago Investments, LLC (Van's Realty & Construction) in the amount of approximately \$584,000
- 4. Application for City of Menasha Deferred Assessment Policy, Second Addition to Southfield, Van's Realty & Construction in the amount of approximately \$325,000
- 5. Request for extension of sanitary sewer from Southfield Subdivision to Second Addition to Southfield in the amount of approximately \$33,000 to be paid from TID #9, Amendment #1 Project Plan proceeds

Moved by Ald. Sevenich, seconded by Ald. Langdon to approve Consent Agenda items 1-5.

Motion carried on roll call 8-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

I. ACTION ITEMS

- 1. Accounts payable and payroll for the term of 4/19/12 to 5/3/12 in the amount of \$1,175,551.91

Moved by Ald. Klein, seconded by Ald. Langdon to approve accounts payable and payroll.

Motion carried on roll call 8-0.

- 2. Petition of Tammy & Amara Hoffstatter & Chuck Peterson, 332 8th St. for special exemption of Section 7-1-6(e) of City Code to license and house one more pet than allowed

Moved by Ald. Krueger, seconded by Ald. Zelinski to deny the Petition of Tammy & Amara Hoffstatter and Chuck Peterson, 332 8th Street for special exemption of Section 7-1-6(e) of City Code to license and house one more pet than allows.

General discussion ensued on the reason for the denial based on the number of signatures.

Moved by Ald. Krueger, seconded by Ald. Zelinski to amend, there is no way to determine if the petition has 80% of the residence within 200 feet of property.

General discussion ensued on the wording of the ordinance.

Chuck Peterson and Tammy Hoffstatter answered questions from the Council.

Motion to deny the petition carried on roll call 8-0.

- 3. Class "B" Liquor License Application of Menasha Athletic Association (MAC) to sell fermented malt beverages, Koslo Park Concession, May 7, 2012-October 31, 2012, Paul S. Johnson, agent
- 4. Class "B" Liquor License Application of Menasha Twins Baseball (Legion Team) to sell fermented malt beverages, Koslo Park Concession, May 7, 2012-October 31, 2012, Debbie Chew, agent

Moved by Ald. Klein, seconded by Ald. Langdon to approve Class "B" liquor license applications for Menasha Athletic Association and Menasha Twins Baseball for the term May 7, 2012-October 31, 2012

Motion carried on roll call 8-0.

J. ORDINANCES AND RESOLUTIONS

K. APPOINTMENTS

1. Mayor's appointment to the NM Joint Fire Commission

a. Reappointment of Jim Liebhauser, 1004 Grove St., for the term of May 7, 2012 to May 1, 2015
Moved by Ald. Sevenich, seconded by Ald. Englebert to approve reappointment of Jim Liebhauser to NM Fire Commission

Motion carried on voice vote.

2. Mayor's reappointment to the Police Commission

a. Ron Duuck, 825 Kelsey Brook Ct., for the term of May 7, 2012 to May 1, 2017

Moved by Ald. Sevenich, seconded by Ald. Krueger to approve reappointment of Ron Duuck to Police Commission.

Motion carried on voice vote.

L. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

(five (5) minute time limit for each person)

Scott Deeg, 344 8th Street. Questioned how Chuck Peterson and Tammy Hoffstattler's proceed to resubmit a petition with correct signatures.

M. CLAIMS AGAINST THE CITY

N. ADJOURN

Moved by Ald. Sevenich, seconded by Ald. Krueger to adjourn at 7:24 p.m.

Motion carried on voice vote.

Respectfully submitted by Deborah A. Galeazzi, WCMC, City Clerk

CITY OF MENASHA DISBURSEMENTS

Accounts Payable for 5/10/12-5/17/12 Checks # 33393-33528	\$ 477,376.54
Payroll Checks for 5/17/12	<u>178,126.94</u>
Total	\$ 655,503.48

Medical Expense Reimbursement Trust-Retirement Pay Out

Menasha Employees Credit Union-Employee Deductions

Wisconsin Support Collections-Child/Spousal Support

United Way-Employee Donations

**A gap in check numbers is due to more invoices being paid than fits on one check stub. In that case the last check stub used for that vendor is the check number that will show on the check register.

AP Check Register
Check Date: 5/10/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
ACCURATE	33393	5/10/2012	1205211	100-1008-541.30-18	184.00	Sign Shop
		5/10/2012	1205423	731-1022-541.30-18	124.43	Shop Supplies
		5/10/2012	1205517	731-1022-541.30-18	17.82	Hose Clamps/Nitro Drill
		5/10/2012	1205591	731-1022-541.30-18	27.20	Shrink Tube
		5/10/2012	1205597	731-1022-541.30-18	21.60	Shop Supplies
		5/10/2012	1205615	731-1022-541.30-18	95.08	Brakleen
				Total for check: 33393	470.13	
APPLETON HYDRAULIC COMPONENTS	33394	5/10/2012	23043	731-1022-541.38-03	219.05	Bulk Seals
			Total for check: 33394		219.05	
ARING EQUIPMENT CO INC	33395	5/10/2012	395183	731-1022-541.38-03	25.27	Oil Filter
			Total for check: 33395		25.27	
BECK ELECTRIC INC	33396	5/10/2012	M0712-COM-CG3	731-1022-541.24-03	105.53	Motion Light/Sign Shop
			Total for check: 33396		105.53	
BERGSTROM	33397	5/10/2012	119106	731-1022-541.38-03	151.06	Test Hose
			Total for check: 33397		151.06	
BLUE PRINT SERVICE CO INC	33398	5/10/2012	49388	743-0403-513.24-04	1,788.00	2012 Maintenance Agree Color Platter
		5/10/2012	49956	100-1002-541.30-18	169.46	Ink Jet Bond Rolls
				625-1002-541.30-18	56.49	Ink Jet Bond Rolls
			Total for check: 33398		2,013.95	
BROCK WHITE COMPANY	33399	5/10/2012	12189512-00	601-1020-543.30-18	260.23	Mortar Cement
				625-1010-541.30-18	260.22	Mortar Cement
			Total for check: 33399		520.45	
BRUCE MUNICIPAL EQUIPMENT INC	33400	5/10/2012	5121465	625-1005-541.30-15	208.20	Runner-Dirt Shoe/Mod

AP Check Register
Check Date: 5/10/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
BRUCE MUNICIPAL EQUIPMENT INC...	33400...	5/10/2012	5121505	731-1022-541.38-03	39.02	Strap Door Check
			Total for check: 33400			247.22
BUBRICK'S	33401	5/10/2012	585995	100-0801-521.30-10	227.72	Office Supplies
			Total for check: 33401			227.72
CDW GOVERNMENT INC	33402	5/10/2012	J494641	100-0801-521.30-18	39.36	Verbatim DVD/PD Supplies
		5/10/2012	J621633	743-0403-513.24-04	26.02	Startech/Sign Shop
			Total for check: 33402			65.38
DAVIS & STANTON	33403	5/10/2012	23757	100-0801-521.30-18	402.50	Uniform Bars
			Total for check: 33403			402.50
DEWALL, TIFFANY	33404	5/10/2012	DEWALL	100-0000-441.23-00	27.00	Tiffany Dewall Cancel
			Total for check: 33404			27.00
FABCO EQUIPMENT INC	33405	5/10/2012	C 123074	731-1022-541.38-03	75.98	Bearing
		5/10/2012	C 123282	731-1022-541.38-03	231.61	Bearings & Pin
		5/10/2012	C 126011	731-1022-541.38-03	132.99	Bearing, Pin, & Nuts
		Total for check: 33405			440.58	
FACTORY MOTOR PARTS CO	33406	5/10/2012	18-1113884	731-1022-541.38-03	282.03	Marine Battery/Core Fee
		5/10/2012	18-1114131	731-1022-541.38-03	(49.50)	Battery Cores/Credit
			Total for check: 33406			232.53
FAULKS BROS CONSTRUCTION INC	33407	5/10/2012	00180080	100-0703-553.30-18	587.75	Sur-Hop Infield Mix
			Total for check: 33407			587.75

AP Check Register
Check Date: 5/10/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
FERRELLGAS	33408	5/10/2012	1067043561	266-1027-543.21-06	47.00	
			Total for check: 33408		47.00	
			Total for check: 33409		20.00	
HEALTHY INFANT AND CHILD ALLIANCE	33409	5/10/2012		100-0903-531.32-01	20.00	Membership Fee
			Total for check: 33410		416.64	
HORST DISTRIBUTING INC	33410	5/10/2012	19143-000	731-1022-541.38-03	356.26	Motor Shaft Guard Blade
			19433-000	731-1022-541.38-03	60.38	Switch/Proximity
			Total for check: 33411		6,227.10	
INDEPENDENT INSPECTIONS LTD	33411	5/10/2012	305939-C	100-0301-523.21-06	6,227.10	Permits
			Total for check: 33412		505.00	
JITTERS	33412	5/10/2012		100-0000-441.25-00	505.00	Cancelled Softball League
			Total for check: 33413		123,324.50	
JX PETERBILT - GREEN BAY	33413	5/10/2012	2390	741-0000-193.00-00	123,324.50	Peterbilt/DPW
			Total for check: 33414		5,718.77	
KAEMPFER & ASSOCIATES INC	33414	5/10/2012	16446	601-1020-543.21-02	641.79	Sewer User Monitoring Project E145-01.07
			16447	601-1020-543.21-02	129.56	NMSC WWTP Sampling Project E145-01.10
			16448	601-1020-543.21-02	256.99	9th St Lift Station Project E145-08.03
			16449	601-1020-543.21-02	1,244.95	Wastewater Collect System Project E145-09.01
			16450	601-1020-543.21-02	728.13	Phase 4 SSES/Proj Mgmt Project E145-10.01
			16451	601-1020-543.21-02	1,817.89	Phase 4 SSES/Const Project E145-10.09
			16452	601-1020-543.21-02	899.46	Phase 4-1 SSES/Televising Project E145-11.03
		Total for check: 33418		38.99	Rain Gauge/Keys	
KITZ & PFEIL INC	33418	5/10/2012	032109-0004	731-1022-541.30-18	14.16	Hardware
			032114-0012	100-0703-553.24-03		

AP Check Register
Check Date: 5/10/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
KITZ & PFEIL INC...	33418...	5/10/2012	032114-0149	100-0703-553.30-10	10.77	Watch Battery
		5/10/2012	032309-0004	100-0703-553.30-18	8.19	Drill Bit/Hardware Misc
		5/10/2012	032314-0077	100-0801-521.30-15	10.50	Key
		5/10/2012	032314-0081	100-0703-553.24-03	3.98	Hardware
		5/10/2012	032614-0016	100-0801-521.24-03	5.84	Door Supplies
		5/10/2012	032614-0021	100-0601-551.30-13	7.74	Elevator Bulb
		5/10/2012	032614-0052	100-0703-553.30-18	27.88	Blade/Screw
		5/10/2012	032614-0081	100-0204-512.30-10	26.99	Velcro
		5/10/2012	032614-0111	100-0703-553.30-18	3.84	Hanger
		5/10/2012	032714-0012	100-0703-553.30-18	20.69	Screw
		5/10/2012	032714-0068	731-1022-541.30-18	2.20	Hardware
		5/10/2012	032714-0085	100-0801-521.24-03	13.03	Lamp/Gasket
		5/10/2012	032714-0104	100-0703-553.30-18	2.60	Hardware
		5/10/2012	032714-0133	100-0801-521.30-15	30.13	Padlock/Misc
		5/10/2012	032814-0036	100-0801-521.30-15	7.99	Battery
		5/10/2012	033009-0009	100-1001-514.24-03	41.87	Flag Rope
		5/10/2012	033014-0019	100-0903-531.24-03	5.53	Health Light
		5/10/2012	033014-0080	731-1022-541.30-18	3.22	Bulbs
		5/10/2012	040114-0029	100-0204-512.30-10	12.58	Duct Tape
		5/10/2012	040203-0044	100-0801-521.30-15	8.09	Crevice Tool
		5/10/2012	040303-0001	731-1022-541.38-03	2.53	Gasket
		5/10/2012	040303-0006	731-1022-541.38-03	18.59	Belt
		5/10/2012	040303-0022	100-0703-553.30-18	25.98	Bar & Chain Oil
		5/10/2012	040314-0113	731-1022-541.38-03	(6.00)	Bells
		5/10/2012	040614-0007	100-1016-543.30-18	7.19	Twine
		5/10/2012	040914-0098	266-1027-543.30-18	7.19	Twine
		5/10/2012	040914-0148	731-1022-541.38-03	1.70	Hardware
		5/10/2012	041009-0018	100-0704-552.24-03	15.48	Bulbs
		5/10/2012	041014-0057	100-1001-514.24-03	2.06	Snap Receptacle
		5/10/2012	041014-0063	731-1022-541.30-18	6.00	Hardware
		5/10/2012	041014-0136	100-0801-521.24-03	3.85	PPF Server Room
		5/10/2012	041114-0038	100-0903-531.24-03	6.74	Health Conf Room
		5/10/2012		731-1022-541.30-18	8.35	Garage/Fill Hole in Wall
	5/10/2012		731-1022-541.30-18	19.33	Watch Battery	
	5/10/2012		100-1001-514.30-18	3.14	Putty	

AP Check Register
Check Date: 5/10/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description			
KITZ & PFEIL INC...	33418...	5/10/2012	041209-0010	207-0707-552.30-18	38.15	Level/Concrete			
			041214-0055	100-0704-552.24-03	15.48	Bulb			
			041314-0009	207-0707-552.30-18	6.28	Concrete			
			041314-0137	100-1008-541.30-18	7.64	Rod			
			041314-0158	100-1019-552.30-18	9.00	Key			
			041414-0029	731-1022-541.24-03	4.27	PWF Light			
				100-0801-521.24-03	3.27	Adhesive			
				100-0703-553.24-03	15.06	Hardware Misc/Elbow			
				100-0703-553.24-03	8.54	Coupling			
				100-0703-553.24-03	23.38	Valve/Copper Union			
KJ WASTE SYSTEMS INC	33419	5/10/2012	041703-0024	731-1022-541.38-03	11.83	Filter			
			041814-0028	731-1022-541.30-18	8.54	Tool Box			
			041814-0086	100-0703-553.30-18	6.82	Eye Bolt			
			041814-0087	100-0703-553.30-18	13.58	Hardware/Bit			
			041914-0152	100-1008-541.30-18	6.28	Hose Hanger			
			042014-0064	100-1001-514.30-18	3.41	Tubing			
			Total for check: 33418				610.47		
			Total for check: 33419				722.00		
			KUNDINGER FLUID POWER INC	33420	5/10/2012	266-1027-543.21-06		722.00	March Recycling
						Total for check: 33420			
50182179	731-1022-541.38-03	183.85				Hose Assembly			
LAKE PARK VILLAS HOMEOWNERS ASSN	33421	5/10/2012	100-0305-562.51-03		437.32	LP Villas			
			100-0703-553.21-06		2,862.07	LP Villas			
			100-0703-553.22-03		78.88	LP Villas			
			100-1012-541.22-03		37.31	LP Villas			
			625-1010-541.22-03		144.71	LP Villas			
Total for check: 33421				3,560.29					

AP Check Register
Check Date: 5/10/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description	
LINCOLN CONTRACTORS SUPPLY INC	33422	5/10/2012	R02484	207-0707-552.29-05	62.00	Transport Kits	
	Total for check: 33422					62.00	
	33423	5/10/2012		743-0403-513.22-01	39.95	Internet Services	
Total for check: 33423					39.95		
MARSHALL & ILSLEY TRUST COMPANY NA	33424	5/10/2012	4024463	100-0202-512.21-06	260.00	Monthly Fees	
	Total for check: 33424					260.00	
	33425	5/10/2012	42741	731-1022-541.30-18	44.30	Shop Supplies/Labor	
MATTHEWS TIRE & SERVICE CENTER	5/10/2012	42748	731-1022-541.38-02	778.96	Tires		
	5/10/2012	42750	731-1022-541.38-02	430.03	Tires & Hardware		
	Total for check: 33425					1,253.29	
MENARDS-APPLETON EAST	33426	5/10/2012	29568	100-0703-553.24-03	(208.30)	Pro-Snap Brown J-Trim	
	5/10/2012	33507	100-0703-553.24-03	109.00	Paint		
	5/10/2012	36001	100-0703-553.30-18	69.98	Tarp		
	5/10/2012	38192	100-0703-553.24-03	182.23	Concrete Paint/Vests		
	Total for check: 33426					152.91	
ELISHA D SMITH PUBLIC LIBRARY	33427	5/10/2012	100-0601-551.30-11	9.64	Replenish Petty Cash		
			100-0601-551.30-14	10.00	Replenish Petty Cash		
			100-0601-551.30-16	87.06	Replenish Petty Cash		
			100-0601-551.34-03	5.58	Replenish Petty Cash		
Total for check: 33427					112.28		
MENASHA UTILITIES	33428	5/10/2012	100-1008-541.22-03	176.08	Electric		
			100-0703-553.22-03	454.68	Electric		
			100-0703-553.22-05	152.30	Water		
			100-0703-553.22-06	91.25	Storm		
			100-0903-531.22-03	121.47	Electric		

AP Check Register
Check Date: 5/10/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
MENASHA UTILITIES...	33428...	5/10/2012...	...	100-0903-531.22-05	54.18	Water
				100-0000-123.00-00	7.78	Electric
				100-0305-562.22-06	2.50	Storm
				601-1020-543.22-03	76.30	Electric
		5/10/2012	3876	625-0401-513.25-01	1,003.86	March 2012 Storm Water
		5/10/2012	3877	601-0401-513.25-01	19,039.91	March 2012 Sewer Charge
				Total for check: 33428	21,180.31	
MILWAUKEE SPORTING GOODS	33429	5/10/2012	1642	100-0702-552.30-18	859.48	Softballs
				Total for check: 33429	859.48	
MINNESOTA LIFE INSURANCE COMPANY	33430	5/10/2012		100-0000-204.07-00	2,209.38	June Premium Billing
				Total for check: 33430	2,209.38	
MONOPRICE INC	33431	5/10/2012	6163096	743-0403-513.29-01	23.77	MPI Compatible Toner
		5/10/2012	6165372	743-0403-513.24-04	17.12	USB
				Total for check: 33431	40.89	
N&M AUTO SUPPLY	33432	5/10/2012	400505	731-1022-541.38-03	12.49	Battery Box
		5/10/2012	400578	731-1022-541.38-03	9.45	Spark Plug
		5/10/2012	400629	731-1022-541.38-03	87.76	Booster Cable & Caps
		5/10/2012	400857	731-1022-541.38-03	5.99	Hitch Pin
		5/10/2012	400981	731-1022-541.30-18	2.88	Airline Plug
		5/10/2012	400987	731-1022-541.38-03	42.49	Battery Charger
		5/10/2012	401081	731-1022-541.38-03	16.66	Lamp
		5/10/2012	401296	731-1022-541.38-03	29.60	Spark Plugs/Switches
	5/10/2012	402091	731-1022-541.38-03	12.50	Split Poly Loom	
				Total for check: 33432	219.82	
NEENAH-MENASHA MUNICIPAL COURT	33433	5/10/2012		100-0000-201.03-00	328.00	Bond/MEPD 12-173

AP Check Register
Check Date: 5/10/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
NEENAH-MENASHA MUNICIPAL COURT...	33433...	5/10/2012...	...	100-0000-201.03-00	328.00	Bond/MEPD 12-195
				Total for check: 33433	656.00	
NORTHEAST ASPHALT INC	33434	5/10/2012	1133718	100-1003-541.30-18	255.26	Cold Mix
				Total for check: 33434	255.26	
PACKER CITY INTERNATIONAL	33435	5/10/2012	3-221040036	731-1022-541.38-03	139.89	Air/Fuel/Hydraulic Filter
		5/10/2012	3-221040052	731-1022-541.38-03	8.30	Fuel Filter
		5/10/2012	3-221100008	731-1022-541.38-03	33.67	Air Filters
				Total for check: 33435	181.86	
POSTAL ANNEX	33436	5/10/2012	187736	100-0801-521.30-11	8.12	April Statement
		5/10/2012	187854	100-0801-521.30-11	17.71	April Statement
		5/10/2012	187913	100-0801-521.30-11	17.39	April Statement
		5/10/2012	187998	100-0801-521.30-11	8.07	April Statement
		5/10/2012	188631	100-0801-521.30-11	8.07	April Statement
			Total for check: 33436	59.36		
QUALITY PRINTING COMPANY INC	33437	5/10/2012	A24834	100-0703-553.29-01	1,573.00	Daily Launch Envelopes
				Total for check: 33437	1,573.00	
SCHAEFFER MFG CO	33438	5/10/2012	UL5021-INV1	731-1022-541.30-18	389.66	Pail Moly Ultra Red EP000
				Total for check: 33438	389.66	
J A SEXAUER	33439	5/10/2012	264502386	100-0703-553.24-03	603.75	Digital Timer
				Total for check: 33439	603.75	

AP Check Register
Check Date: 5/10/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
TRAFFTECH INC	33440	5/10/2012	882	100-1008-541.24-04	742.85	Training/Easy TrafficSign
	Total for check: 33440				742.85	
UNIFIRST CORPORATION	33441	5/10/2012	0970110924	731-1022-541.20-01	125.56	Coveralls/Shirts/Mops
	Total for check: 33441				125.56	
UNITED PAPER CORPORATION	33442	5/10/2012	50040	100-0000-132.00-00	68.52	Cleaner
	Total for check: 33442				68.52	
US LUBRICANTS	33443	5/10/2012	50013579	731-1022-541.30-18	1,211.64	Oil
	Total for check: 33443				1,211.64	
US PETROLEUM EQUIPMENT	33444	5/10/2012	192057	731-1022-541.24-06	1,053.72	Equipment Service
	Total for check: 33444				1,053.72	
US VENTURE	33445	5/10/2012	L44115	731-1022-541.21-06	12.00	Spectro Water AF Fuel
	Total for check: 33445				12.00	
UW-FOX VALLEY	33446	5/10/2012	12-22106	100-0405-513.21-08	1,077.50	Videotape Council Migs
	Total for check: 33446				1,077.50	
VERIZON WIRELESS	33447	5/10/2012	2734415876	743-0403-513.24-04	399.96	Police Squad Internet
	Total for check: 33447				399.96	
WE ENERGIES	33448	5/10/2012		100-1012-541.22-03	2,218.25	Street Lights
				100-1008-541.22-04	9.14	Gas Charges/455 Baldwin
				100-0703-553.22-03	37.50	US HWY 10 & 114
Total for check: 33448				2,264.89		

AP Check Register
Check Date: 5/10/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
WIL-KIL PEST CONTROL	33449	5/10/2012	2017615	731-1022-541.20-07	64.00	Contract
				Total for check: 33449	64.00	
WINNEBAGO COUNTY CLERK OF COURTS	33450	5/10/2012	2821	100-0000-201.03-00	150.00	Bond/MEPD 12-1281
				Total for check: 33450	150.00	
WINNEBAGO COUNTY TREASURER	33451	5/10/2012	2821	100-0805-521.25-01	514.60	Jail Charges
				Total for check: 33451	514.60	
WINNEBAGO COUNTY TREASURER	33452	5/10/2012	2821	310-0409-571.61-01	5,925.89	ATS
				310-0410-571.61-02	3,208.80	ATS
				Total for check: 33452	9,134.69	
WISCONSIN DEPT OF JUSTICE-TIME	33453	5/10/2012	T13192	100-0801-521.22-01	594.00	TIME System Access
				Total for check: 33453	594.00	Terminal Maint
ZARNOTH BRUSH WORKS INC	33454	5/10/2012	0138666-IN	625-1005-541.30-15	466.00	Cablewrap/Broom Refill
				Total for check: 33454	466.00	
					195,060.87	

AP Check Register
Check Date: 5/17/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
ACC PLANNED SERVICE INC	33455	5/17/2012	7070	100-0703-553.24-03	194.38	Time clock/Mem Bldg Leaky air vent
	Total for check: 33455				194.38	
ACCURATE	33456	5/17/2012	1206052	731-1022-541.30-18	138.72	Non-Chlorinated Brakeleen
	Total for check: 33456				138.72	
AT&T	33457	5/17/2012	920R09453005	100-1001-514.22-01	113.90	Phone
				601-1020-543.22-01	292.50	Phone
	Total for check: 33457				406.40	
BADGER LAB & ENGINEERING INC	33458	5/17/2012	INV000048843	601-1020-543.21-02	301.00	MU Wastewater
	Total for check: 33458				301.00	
BECK ELECTRIC INC	33459	5/17/2012	M0712-COM-PK5	100-0703-553.24-03	213.37	Repair Meter Socket Jefferson Park Pavilion
	Total for check: 33459				213.37	
COMMUNITY HOUSING COORDINATOR	33460	5/17/2012	162	263-0306-562.70-01	4,365.47	2012 CDBG Rehab Program
	Total for check: 33460				4,365.47	
CONRAD, JESSI	33461	5/17/2012	CONRAD	100-0000-441.25-00	30.00	Refund/Jessi Conrad
	Total for check: 33461				30.00	
CULLIGAN WATERCARE SERVICES	33462	5/17/2012		100-1001-514.20-01	18.90	May Service
				731-1022-541.30-13	6.30	May Service
	Total for check: 33462				25.20	
VALERIE DAVIS	33463	5/17/2012		100-0903-531.33-01	24.89	April 2012 Travel Expense
	Total for check: 33463				24.89	

AP Check Register
Check Date: 5/17/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
UNEMPLOYMENT INSURANCE	33464	5/17/2012	000003711028	625-1010-541.15-09	1,452.00	April Benefit Charges
				Total for check: 33464	1,452.00	
DIGICORPORATION	33465	5/17/2012	122426	207-0707-552.29-01	156.40	Envelopes & Letterhead Marina
				100-0000-134.00-00	(65.40)	Envelopes & Letterhead
				100-0401-513.29-01	479.60	Operating Budget Assembly
				Total for check: 33465	570.60	
EARTHLINK BUSINESS	33467	5/17/2012		100-0402-513.22-01	7.15	May, 2012/Assessor
				100-0201-512.22-01	7.03	May, 2012/Attorney
				100-0000-123.00-00	15.99	May, 2012/Building Insp
				100-0203-512.22-01	14.06	May, 2012/Clerk
				100-0304-562.22-01	27.10	May, 2012/Comm Dev
				100-1001-514.22-01	79.05	May, 2012/City Hall
				100-0401-513.22-01	33.93	May, 2012/Finance
				731-1022-541.22-01	28.90	May, 2012/Garage
				100-0903-531.22-01	47.15	May, 2012/Health
				743-0403-513.22-01	18.56	May, 2012/IT
				100-0601-551.22-01	181.91	May, 2012/Library
				100-0101-511.22-01	9.02	May, 2012/Mayor
				100-0702-552.22-01	25.63	May, 2012/Recreation
				100-0703-553.22-01	48.75	May, 2012/Parks
				100-0202-512.22-01	14.01	May, 2012/Personnel
				100-0801-521.22-01	262.49	May, 2012/Police
				100-1002-541.22-01	46.78	May, 2012/Engineering
				100-0920-531.22-01	14.30	May, 2012/Senior
				100-1008-541.22-01	4.76	May, 2012/Sign
				100-0502-522.22-01	43.58	May, 2012/EOC
207-0000-123.00-00	27.57	May, 2012/Marina				
100-0000-123.00-00	289.10	May, 2012/Menasha Utility				
			Total for check: 33467	1,246.82		

AP Check Register
Check Date: 5/17/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
LESLIE E EISENBERG	33468	5/17/2012		100-0801-521.21-06	75.00	Forensic Exam/MPD 12-1186
			Total for check: 33468		75.00	
FACTORY MOTOR PARTS CO	33469	5/17/2012	18-1112479	731-1022-541.38-03	189.50	Battery
			Total for check: 33469		189.50	
FASTENAL COMPANY	33470	5/17/2012	WINEE74758	100-1008-541.30-18	289.31	Hose Clamp
			Total for check: 33470		289.31	
GALLS LLC	33471	5/17/2012	512135435	100-0801-521.29-05	1,605.00	Code 3 Z3 Siren
			Total for check: 33471		1,605.00	
GANNETT WISCONSIN MEDIA	33472	5/17/2012	0006248895	100-0405-513.29-02	523.17	Meeting Minutes/Election
				100-0204-512.29-02	28.85	Meeting Minutes/Election
				100-0702-552.29-03	215.88	Job Advertisement
				100-0203-512.29-02	108.15	Liq License
				100-0405-513.29-02	857.90	Legals
			Total for check: 33472		1,831.33	
GERDAU	33473	5/17/2012	47009778	731-1022-541.82-01	87.00	Radio Project - Building
			Total for check: 33473		87.00	
HORST DISTRIBUTING INC	33474	5/17/2012	19579-000	731-1022-541.38-03	208.08	Switch/Limit
			Total for check: 33474		208.08	
HOTSYS CLEANING SYSTEMS INC	33475	5/17/2012	0079141-IN	731-1022-541.30-18	370.00	Panel Wash
			Total for check: 33475		370.00	

AP Check Register
Check Date: 5/17/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
INTERSTATE BATTERY OF GREEN BAY	33476	5/17/2012	183388	731-1022-541.38-03	72.05	SLA1156
		5/17/2012	90076364	731-1022-541.38-03	99.95	MTP-65
			Total for check: 33476		172.00	
STEWART JACKSON	33477	5/17/2012		743-0403-513.33-01	25.20	April Travel Expenses
			Total for check: 33477		25.20	
JX ENTERPRISES INC	33478	5/17/2012	G-221140028	100-1027-543.30-15	444.00	Riser-Seat
			Total for check: 33478		444.00	
KONE INC	33479	5/17/2012	150659536	100-1001-514.24-03	772.49	City Hall Elevator
		5/17/2012	220900911	100-1001-514.20-01	270.21	Maintenance Coverage
			Total for check: 33479		1,042.70	
LACROSSE FORAGE & TURF SEED LLC	33480	5/17/2012	SINP-12-10516	100-0703-553.30-18	408.00	Wear-n-Tear
			Total for check: 33480		408.00	
LEAGUE OF WISCONSIN MUNICIPALITIES	33481	5/17/2012		100-0201-512.34-02	260.00	
			Total for check: 33481		260.00	
MARMER, JEFFREY	33482	5/17/2012	MARMER	100-0000-441.13-00	17.00	Cart Exchange/Refund
			Total for check: 33482		17.00	
MATTHEWS TIRE & SERVICE CENTER	33483	5/17/2012	42850	731-1022-541.38-02	1,661.96	Tires/Hardware
		5/17/2012	42851	731-1022-541.38-02	610.36	Tires/Hardware
			Total for check: 33483		2,272.32	
MCKAY NURSERY COMPANY	33484	5/17/2012	04-03-1216961	100-0706-561.30-18	1,000.00	Trees
				625-0706-561.30-18	1,453.25	Trees

AP Check Register
Check Date: 5/17/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
MCKAY NURSERY COMPANY...	33484...	5/17/2012	04-20-1218228	625-0706-561.30-18	175.00	Freight Charges
				Total for check: 33484	2,628.25	
MENARDS-APPLETON EAST	33485	5/17/2012	29568	100-0703-553.24-03	208.30	Reverse Credit
				100-1008-541.30-18	134.54	
				731-1022-541.82-01	13.88	Radio Project - Building
				100-0703-553.30-18	(19.98)	Tiedowns/Credit
				100-0703-553.30-18	(35.95)	Paint/Credit
				Total for check: 33485	300.79	
MENASHA EMPLOYEES CREDIT UNION	33486	5/17/2012	20120517	100-0000-202.05-00	14,082.50	PAYROLL SUMMARY
				Total for check: 33486	14,082.50	
MENASHA JOINT SCHOOL DISTRICT	33487	5/17/2012	MOBILE HOME	100-0000-412.00-00	6,162.18	May Mobile Home
				Total for check: 33487	6,162.18	
POSTMASTER	33488	5/17/2012	STAMPS	100-0204-512.30-11	90.00	Stamps/Absentee Ballots
				Total for check: 33488	90.00	
MENASHA TREASURER	33489	5/17/2012		100-0101-511.30-11	0.10	Petty Cash
				100-0201-512.30-11	1.10	Petty Cash
				100-0202-512.30-11	1.75	Petty Cash
				100-0401-513.30-11	0.65	Petty Cash
				100-0501-522.24-03	6.04	Petty Cash
				100-0702-552.30-18	12.00	Petty Cash
				100-1001-514.30-10	0.88	Petty Cash
				100-1001-514.30-13	5.00	Petty Cash
				100-1002-541.30-11	17.18	Petty Cash
				100-1002-541.30-11	27.25	Petty Cash

AP Check Register
Check Date: 5/17/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
MENASHA TREASURER...	33489...	5/17/2012...	...	743-0403-513.30-11	0.20	Petty Cash
				Total for check: 33489	72.15	
				Total for check: 33490	3,793.44	
MENASHA TREASURER	33490	5/17/2012		310-0000-211.00-00	3,793.44	Unpaid Street AssessmentsWoodland Development
MENASHA TREASURER	33491	5/17/2012		100-0801-521.34-04	10.75	Petty Cash Reimbursement
				100-0801-521.34-03	10.00	Petty Cash Reimbursement
				100-0801-521.29-05	15.10	Petty Cash Reimbursement
				Total for check: 33491	35.85	
MENASHA UTILITIES	33492	5/17/2012		100-1019-552.22-03	167.04	Racine St Bridge
				100-1001-514.22-03	1.67	Racine St Bridge
				100-1008-541.22-03	270.57	Electric
				100-1008-541.22-05	43.88	water/Sewer
				601-1020-543.22-03	26.75	Electric
				100-0704-552.22-03	169.78	Electric
				100-0704-552.22-05	447.40	Water/Sewer
				731-1022-541.22-03	1,330.58	Electricity
				731-1022-541.22-05	1,054.00	Water/Sewer
				731-1022-541.22-06	830.00	Storm
				266-1028-543.22-06	73.13	Storm
				100-0801-521.22-03	1,372.16	Electric
				100-0801-521.22-05	253.40	Water/Sewer
				100-0801-521.22-06	62.72	Storm
				100-0000-123.00-00	993.64	Electric
				100-0000-123.00-00	183.50	Water/Sewer
			100-0000-123.00-00	45.41	Storm	
			100-0801-521.22-03	16.50	Electric	
			100-0601-551.22-03	4,018.20	Electric	
			100-0601-551.22-05	534.60	Water/Sewer	
			100-0601-551.22-06	103.75	Storm	
			100-1019-552.22-03	279.35	Electric	

AP Check Register
Check Date: 5/17/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description		
MENASHA UTILITIES...	33492...	5/17/2012...	BILLING #3...	100-1019-552.22-05	12.38	Water/Sewer		
				100-0000-123.00-00	6.54	Electric		
				100-1001-514.22-03	17.32	Electric		
				100-1001-514.22-05	12.38	Water/Sewer		
				100-1001-514.22-06	6.25	Storm		
				100-0703-553.22-03	1,511.52	Electric		
				100-0703-553.22-06	280.64	Storm		
				100-0305-562.22-06	7.50	Storm		
				5/17/2012	ST LIGHTING	17,962.59	March 2012	Street Lighting
				5/17/2012	UNPD ON TB	19,293.55	Unpaid Utility Billings	Tax Roll
Total for check: 33492				51,388.70				
TOWN OF MENASHA UTILITY DISTRICT	33493	5/17/2012	100-0701-533.22-06	26.25	St Stormwater			
			100-0701-533.22-06	296.03	Stormwater			
			UNPD ON TB	77,491.13	Unpaid Utility Billings			
			206 North St		Tax Roll			
Total for check: 33493				77,813.41				
MICHEL'S MATERIALS	33494	5/17/2012	100-0706-561.30-18	61.56	Peastone			
			Total for check: 33494				61.56	
MODERN BUSINESS MACHINES	33495	5/17/2012	743-0403-513.29-01	38.53	Images Used			
			Total for check: 33495				38.53	
MORTON SAFETY	33496	5/17/2012	731-1022-541.30-18	38.90	Earmuff Thunder			
			673304	265.50	Gloves/Filters			
			Total for check: 33496				304.40	
NEENAH-MENASHA MUNICIPAL COURT	33497	5/17/2012	100-0000-201.03-00	328.00	Bond/MEPD 12-199			
			Total for check: 33497				328.00	
NORTH AMERICAN SALT CO	33498	5/17/2012	100-1006-541.30-18	20,977.85				

AP Check Register
Check Date: 5/17/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
NORTH AMERICAN SALT CO...	33498...	5/17/2012	70825671	100-1006-541.30-18	14,495.47	
		5/17/2012	90026353	100-1006-541.30-18	(1,288.63)	Credit
			Total for check: 33498		34,184.69	
NORTHEAST ASPHALT INC	33499	5/17/2012	1135007	100-1003-541.30-18	130.13	Cold Mix
			Total for check: 33499		130.13	
ORBIT SCREENS INC	33500	5/17/2012	02306	731-1022-541.38-03	385.73	Set brushes
			Total for check: 33500		385.73	
PACKER CITY INTERNATIONAL	33501	5/17/2012	3-221110002	731-1022-541.38-03	25.58	Fluid
		5/17/2012	3-221140008	731-1022-541.38-03	64.21	Lights
		5/17/2012	3-221150049	731-1022-541.38-03	90.80	Cable
		5/17/2012	3-221160006	731-1022-541.38-03	73.72	Brackets
		Total for check: 33501		254.31		
DENISE QUICK	33502	5/17/2012		100-1001-514.39-01	17.10	April Expense Report
			Total for check: 33502		17.10	
RECREONICS INC	33503	5/17/2012	593593	100-0704-552.24-04	661.03	Rope/Hooks/ Floats/Clamps
		5/17/2012	593968	100-0704-552.24-04	176.18	Replace Rubber Channel
			Total for check: 33503		837.21	
REDI-WELDING CO	33504	5/17/2012	14345	731-1022-541.30-18	269.15	Pipe & Tube
		5/17/2012	14367	731-1022-541.30-18	313.09	Trailer Parts
			Total for check: 33504		582.24	
REINDERS INC	33505	5/17/2012	1375049-00	741-0000-193.00-00	36,087.00	Base Deck/Snowblower

AP Check Register
Check Date: 5/17/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
REINDERS INC...	33505...	5/17/2012	1379379-00	731-1022-541.38-03	104.35	Balljoint
			Total for check: 33505		36,191.35	
SCHILLER'S TREE SERVICE INC	33506	5/17/2012	18305	100-0706-561.20-06	2,800.00	Tree and stump removals
			Total for check: 33506		2,800.00	
SERVICEMASTER BUILDING MAINTENANCE	33507	5/17/2012	136328	100-0801-521.20-01	1,395.00	PD Janitorial Service
			136329	100-0801-521.20-01	50.00	PD Garage Janitorial Serv
			Total for check: 33507		1,445.00	
SHERWIN INDUSTRIES INC	33508	5/17/2012	1224-4	100-0704-552.24-03	62.45	
			Total for check: 33508		62.45	
SHOPKO	33509	5/17/2012	90000014390018	100-0801-521.30-15	5.98	Band Aids
			Total for check: 33509		5.98	
STANLEY SECURITY SOLUTIONS INC	33510	5/17/2012	901985644	731-1022-541.24-03	73.42	Keys
			Total for check: 33510		73.42	
STUMPF CREATIVE LANDSCAPES	33511	5/17/2012		826-0706-561.30-18	150.00	Spruce
			Total for check: 33511		150.00	
TAPCO	33512	5/17/2012	1392652	100-1008-541.30-18	1,915.00	Glass Beads for Epoxy
			Total for check: 33512		1,915.00	
TASER INTERNATIONAL	33513	5/17/2012	SH1284032	100-0801-521.30-15	450.00	
			Total for check: 33513		450.00	
TNEMEC COMPANY INC	33514	5/17/2012	22204171000	100-0704-552.24-04	635.80	
			Total for check: 33514		635.80	

AP Check Register
Check Date: 5/17/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
TNAMEC COMPANY INC...	33514...	5/17/2012	22204173000	100-0704-552.24-04	612.00	
			Total for check: 33514		1,247.80	
UNIFIRST CORPORATION	33515	5/17/2012	097 0111419	731-1022-541.21-06	116.56	Mat/Towel/Clothing Svc
			Total for check: 33515		116.56	
UNITED WAY FOX CITIES	33516	5/17/2012	20120517	100-0000-202.09-00	27.48	PAYROLL SUMMARY
			Total for check: 33516		27.48	
UW-EXTENSION	33517	5/17/2012	TRAINING	100-0402-513.34-02	28.00	Board Review Training
			Total for check: 33517		28.00	
VERIZON WIRELESS	33518	5/17/2012	2737401824	743-0403-513.30-15	79.98	iPads Data Plan
			Total for check: 33518		79.98	
VISION INSURANCE PLAN OF AMERICA	33519	5/17/2012	113088	100-0000-204.10-00	1,064.40	Billing for June, 2012
			Total for check: 33519		1,064.40	
VOICE DATE & ELEC SERVICES LLC	33520	5/17/2012	2044	743-0403-513.21-04	850.00	Sign Shop Rewire
			Total for check: 33520		850.00	
WAVERLY SANITARY DISTRICT	33521	5/17/2012		100-0703-553.22-05	46.00	Barker Farm Pavilion
		5/17/2012	UNPD ON TB	100-0000-201.07-00	703.37	Unpaid Utility Bills
			Total for check: 33521		749.37	Tax Roll
WE ENERGIES	33522	5/17/2012		100-0903-531.22-04	23.88	Heat/316 Racine St
				100-0701-533.22-03	8.64	North St, Neenah

AP Check Register
Check Date: 5/17/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
WE ENERGIES...	33522...	5/17/2012...	...	100-0701-533.22-03	8.24	North St, Neenah
			Total for check: 33522		40.76	
WI SCTF	33523	5/17/2012	20120517	100-0000-202.03-00	260.00	PAYROLL SUMMARY
			Total for check: 33523		260.00	
WINNEBAGO COUNTY CLERK OF COURTS	33524	5/17/2012		100-0000-201.03-00	150.00	Bond/MEPD 12-1324
				100-0000-201.03-00	150.00	Bond/MEPD 12-1411
			Total for check: 33524		300.00	
WINNEBAGO COUNTY TREASURER	33525	5/17/2012	2877	100-0203-512.21-08	30.00	Recording of Corp Limits
		5/17/2012	LF118420	100-1016-543.25-01	11,308.16	April Landfill Fees
				100-1017-543.25-01	3,323.52	April Landfill Fees
				625-1005-541.25-01	4,711.36	April Landfill Fees
		5/17/2012	LF118502	266-1027-543.25-01	556.80	April Recycling
			Total for check: 33525		19,929.84	
WINS CPS-TRAINING	33526	5/17/2012	23.2012	100-0915-531.32-02	43.00	2012 Renewal
			Total for check: 33526		43.00	Safe Ride Newsletter
WISCONSIN HISTORICAL FOUNDATION	33527	5/17/2012		100-0304-562.32-01	65.00	Membership
			Total for check: 33527		65.00	
WISCONSIN SUPPORT COLLECTIONS	33528	5/17/2012	20120517	100-0000-202.03-00	1,740.76	PAYROLL SUMMARY
				100-0000-202.04-00	923.06	PAYROLL SUMMARY
			Total for check: 33528		2,663.82	
					282,315.67	

- (a) **APPOINTMENTS.** The Parks and Recreation Board shall consist of seven (7) persons appointed by the Mayor and confirmed by the Common Council. Each Board member shall hold such office for a term of three (3) years, said terms to end September 30 in the year of expiration. Six (6) of the members shall be citizen members and one (1) member shall be an Alderman annually selected at the Council's organizational meeting. All members, including the Chairperson, shall have voting privileges.
- (b) **COMPENSATION; OATHS.** Board members shall receive such compensation as shall be determined by the Council from time to time. Members shall take an official oath as prescribed by Sec. 19.01, Wis. Stats., to be filed with the City Clerk.
- (c) **OFFICERS.** The Board shall annually elect one (1) member as chairperson.
- (d) **PROCEDURE.** Four (4) members shall constitute a quorum. The Chairperson, or acting Chairperson, shall be considered in determining a quorum. Action shall be by a majority of those present and voting. The Board shall adopt rules of procedure for governing the conduct of its meetings.
- (e) **POWERS AND DUTIES.** The Board shall have all the powers conferred by law upon parks and recreation commissions and shall be chargeable with all the duties so required such as recommend, oversee work, and oversee funds of all parks, playgrounds, and recreational activities as part of properties within the City. The Parks and Recreation Board is specifically empowered and directed:
- (1) To govern, manage, control, improve and care for all public parks located within, or partly within and partly without, the corporate limits of the City and secure the quiet, orderly and suitable use and enjoyment thereof by the people; also to adopt rules and regulations to promote these purposes.
 - (2) To acquire in the name of the City for park purposes by gift, purchase, devise, bequest or condemnation, either absolutely or in trust, money, real or personal property, or any incorporeal right or privilege, provided gifts to the City of money or other property, real or personal, either absolutely or in trust, for park purposes shall be accepted only after they have been recommended by the Board to the Common Council and approved by said Common Council by resolution.
 - (3) To recommend to the Council and the Planning Commission the buying, leasing, selling or transferring of lands in the name of the City for park purposes within or without the City, as well as the leasing of buildings and boat slips within the Menasha Marina.
 - (4) To execute every trust imposed upon the use of property or property rights by the deed, testament or other conveyance transferring the title of such property to the City for park purpose.
 - (5) To have the powers necessary and convenient for the effective and efficient management, control, supervision and operation of the City park system and recreation programs, and the Menasha Marina subject to budgetary approval by the Common Council.
 - (6) To have jurisdiction of parks, swimming pool and playgrounds throughout the City and assume full responsibility for the equipping, developing and maintaining the physical facilities of the park system.
 - (7) To establish such rules and regulations to promote the quiet, orderly and suitable use of the City parks, playgrounds, and the Menasha Marina as the Board shall deem necessary.
 - (8) To establish rules and regulations, including user fees as deemed necessary as approved by the Council and desirable for the proper use, care and operation of parks, park facilities, recreation programs, Menasha Marina and other activities under their control, provided however that such rules and regulations do not conflict with the laws of the State of Wisconsin or this Code of Ordinances.
 - (9) To have jurisdiction of the Menasha Marina and assume full responsibility for the

- equipping, developing and maintaining the physical facilities of the Marina.
- (10) And such other and further duties as may be necessary for the proper carrying out of the purposes of said Board.
 - (11) Nothing in Sec. 2-4-6 affects the statutory or ordinance authority of the Planning Commission.
- (f) **PUBLIC RECREATION PROGRAM.** The City Parks and Recreation Board shall determine the recreational needs and shall have jurisdiction over the public recreation program of the City and shall be empowered to:
- (1) Establish park rules and program policies.
 - (2) Cooperate and coordinate with public school activities.
 - (3) Cooperate with any private recreational activities.
 - (4) Approve any schedules of all recreational activities in public parks and school buildings.
- (g) **RECORD.** The Parks and Recreation Board shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the City Clerk.
- (h) **FINANCE.**
- (1) Budget. The Board shall assist in preparing an annual budget for submission to the Common Council, which budget shall reflect the Board's recommendations as to maintenance or acquisition of City parks, open spaces, park and related facilities, recreation programs, Menasha Marina and equipment, summer or seasonal employees, etc. Said annual budget request shall contain estimates as to revenues to be derived from recreation programs or activities as well as estimated expenditures for operating the parks and recreation system and the Menasha Marina.
 - (2) Deposits. All revenues and income from the operation of park and recreation programs shall be deposited with the City Treasurer as general revenue of the City or to be applied to Tax Incremental Financing debt if otherwise required by law.
 - (3) Monetary Contributions. All moneys donated to the City specifically for park or recreation use shall be deposited in City accounts as a non-lapsing fund or reserve for such specific use.

SEC. 2-2-6**GENERAL POWERS OF THE COMMON COUNCIL**

- (a) **GENERAL.** The Common Council shall be vested with all the powers of the City not specifically given some other officer. Except as otherwise provided by law, the Common Council shall have the management and control of the City property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the City, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
- (b) **ACQUISITION AND DISPOSAL OF PROPERTY.** The Common Council may acquire property, real or personal, within or without the City, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or contiguous to the city, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such City owned property.
- (c) **ACQUISITION OF EASEMENTS AND PROPERTY RIGHTS.** Confirming all powers granted to the Common Council and in furtherance thereof, the Council is expressly authorized to acquire by gift, purchase or condemnation under Ch. 32, Wis. Stats., any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature of the public or for any public purpose, including the exercise of powers granted under Sections 61.35 and 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.
- (d) **CITY FINANCES.** The Common Council may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the City finances.
- (e) **CONSTRUCTION OF POWERS.** Consistent with the purpose of giving to cities the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Common Council in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of cities to promote the general welfare, peace, good order and prosperity of the City and its inhabitants.

State Law Reference: Art. XI, Sec. 3, Wis. Const.; Sections 62.09(7) and 62.11, Wis. Stats.

- (a) **COMPOSITION.** The Plan Commission shall consist of seven (7) voting members as follows: The Mayor, one (1) Alderman, Director of Public Works, Chairperson of the Parks and Recreation Board and three (3) citizens.
- (b) **APPOINTMENT.**
- (1) Election/Appointment of Alderman Members. At its annual meeting in April of each year the Common Council shall, by two-thirds vote of its members, elect one (1) of its number as member of the City Plan Commission for a period of one (1) year from and after the first day of May next ensuing.
 - (2) Appointment and Terms of Citizen Members. The Chairperson of the Parks and Recreation Board shall have a one (1) year term. The three (3) citizen members shall be appointed by the Mayor and confirmed by the Common Council to hold office for a period ending respectively one (1), two (2) and three (3) years thereafter from the succeeding first of May. Annually during April, members shall be appointed for a term of three (3) years.
- (c) **ORGANIZATION OF COMMISSION.** The Mayor shall serve as presiding officer. The Plan Commission shall organize by the election of a vice-chairman and such other officers as may in their judgment be necessary. The Plan Commission shall receive such compensation as determined by the Common Council.
- (d) **VACANCIES.** Vacancies shall be filled by appointment for the remainder of the unexpired term in the same manner as appointment for the full term.
- (e) **COMPENSATION.** No compensation shall be paid for service on the Commission. Citizen members shall take the official oath as required by Sec. 19.01, Wis. Stats., said oath to be filed with the City Clerk.
- (f) **RECORD.** The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the City Clerk. Four (4) members shall constitute a quorum but all actions shall require the affirmative approval of a majority of the members present of the Commission.
- (g) **DUTIES.** The Plan Commission shall have the following duties and powers:
- (1) Mandatory Referrals to Commission. The Common Council or officer of the City having final authority thereon shall refer to the Plan Commission, for its consideration and report before final action is taken by the Council, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public ways, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the City or within the territory over which the City is given platting jurisdiction by Chapter 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance. Unless such report from the Commission is made within thirty (30) days, or such longer period as may be stipulated by the Common Council, the Council or other public body or officer may take final action without it.
 - (2) Miscellaneous Powers. The Commission may make reports and recommendations relating to the plan and development of the City to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the Common Council programs for public improvements. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers

thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Common Council.

(3) The Comprehensive Plan.

- a. Purpose. The purpose of this section is to provide procedures and criteria for creating, adopting, amending, and updating the City of Menasha Comprehensive Plan. The Plan Commission may create, adopt, and, as necessary, amend, extend or add to the Comprehensive Plan, subject to Common Council confirmation, for the physical development of the City including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the City.
- b. Applicability. This section shall apply to the creation, adoption, amendment, and updating to any elements of the City of Menasha Comprehensive Plan.
- c. Comprehensive Plan Elements. The Comprehensive Plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and shall include, among other things without limitation because of enumeration, the following elements as required by State of Wisconsin planning law (§66.1001):
 1. Issues and opportunities element
 2. Housing element.
 3. Utilities and community facilities element
Agricultural, natural and cultural resources element.
 5. Economic development element.
 6. Intergovernmental cooperation element.
 7. Land-use element.
 8. Implementation element.
- d. Comprehensive Plan Adoption.
 1. The Commission shall create and adopt the Comprehensive Plan in accordance with Wisconsin State planning laws (§66.1001).
 2. The Comprehensive Plan adopted under this subsection shall be updated no less than once every 10 years in accordance with Wisconsin State planning laws (§66.1001).
- e. Comprehensive Plan Amendments.
 1. Applicability. The criteria and requirements of this section shall apply to all applications or proposals for changes to the comprehensive plan text, goals, objectives, policies, map designations, or other map changes unless specifically exempted. The following types of comprehensive plan amendments may be considered through the comprehensive plan amendment process:
 - (i) Future Land Use map changes including land use and growth boundaries;
 - (ii) Minor technical Future Land Use map corrections;
 - (iii) Future Land Use or other text changes;
 - (iv) Changes or corrections to other maps within the plan;
 - (v) The amendment or adoption of the Utilities and Community Facilities element of the comprehensive plan that occurs concurrently with the adoption or amendment of the city budget; and,
 - (vi) Amendments necessary to address an emergency situation.
 2. Procedure.
 - (i) In November of each year, the Community Development Department shall publish notice in the official city newspaper to announce the City of Menasha Comprehensive Plan

amendment process is open to accepting applications. At that time, the Community Development Department will invite public comments and suggestions regarding changes to the comprehensive plan.

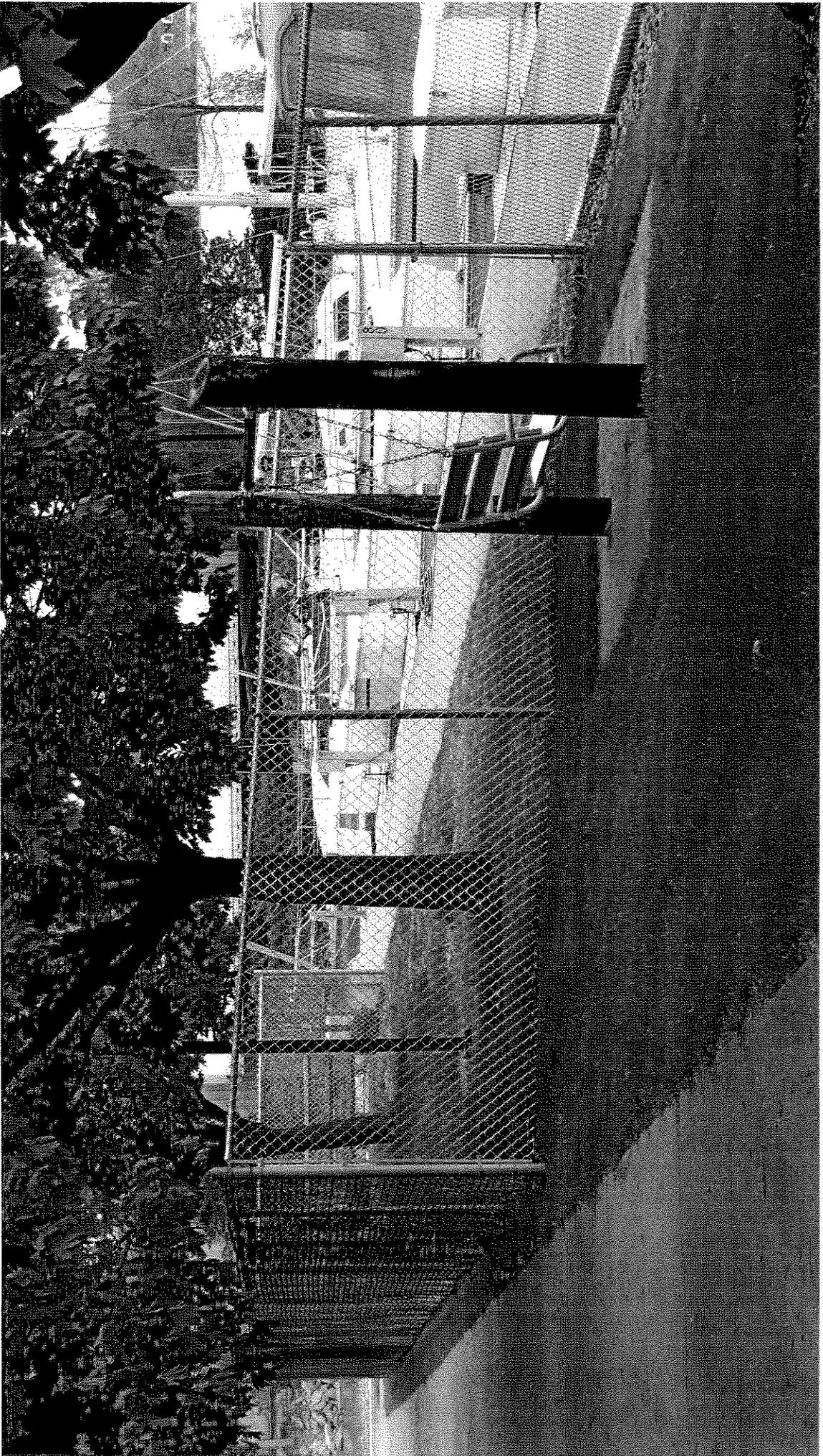
- (ii) Applications for all comprehensive plan amendments shall be considered legislative actions and be subject to the procedures in this section.
 - (iii) Applicants proposing Future Land Use Map changes must schedule a pre-application meeting with staff.
 - (iv) Applications shall be submitted to the Community Development Department in writing by the last working day of December in order to be considered during the annual review process.
 - (v) A fee established by the Common Council must accompany the following changes:
 - a. Future Land Use map changes including land use and growth boundaries;
 - b. Future Land Use or other text changes;
 - (vi) Two public hearings shall be scheduled and held: an informal public hearing before the Plan Commission and a formal public hearing before the Common Council. They shall be noticed as follows:
 - Informal Public Hearing. For all amendments, a Class One (1) notice shall be published in the official city newspaper at least seven (7) days prior to the informal public hearing. Additionally, for amendments specific to a property or properties, property owners within one hundred feet (100') of the subject property or properties shall be notified by first class mail at least seven (7) days prior to the hearing.
 - Formal Public Hearing. For all amendments, a Class One (1) notice shall be published in the official city newspaper at least thirty (30) days prior to the formal public hearing. Additionally, for amendments specific to a property or properties, property owners within one hundred feet (100') of the subject property or properties shall be notified by first class mail at least thirty (30) days prior to the hearing. Said notice may be sent together with the notice for the informal public hearing.
 - (vii) The Plan Commission shall, by resolution (§66.1001(4)(b)), make a recommendation to the Common Council within thirty (30) days of the date of the review meeting or the Common Council may take action without it.
 - (viii) The Common Council shall have the authority to approve or deny the proposed amendment(s). Amendments may not take effect until the Common Council enacts an ordinance that adopts the amendment(s) (§66.1001(4)(c)).
 - (ix) Copies of the adopted amendment(s) shall be sent to the reviewing authorities as required by State of Wisconsin planning law (§66.1001) within 30 days of adoption.
3. Submittal Requirements. All requests for comprehensive plan amendments shall be made in writing, using forms supplied by the Community Development Department, and shall include the

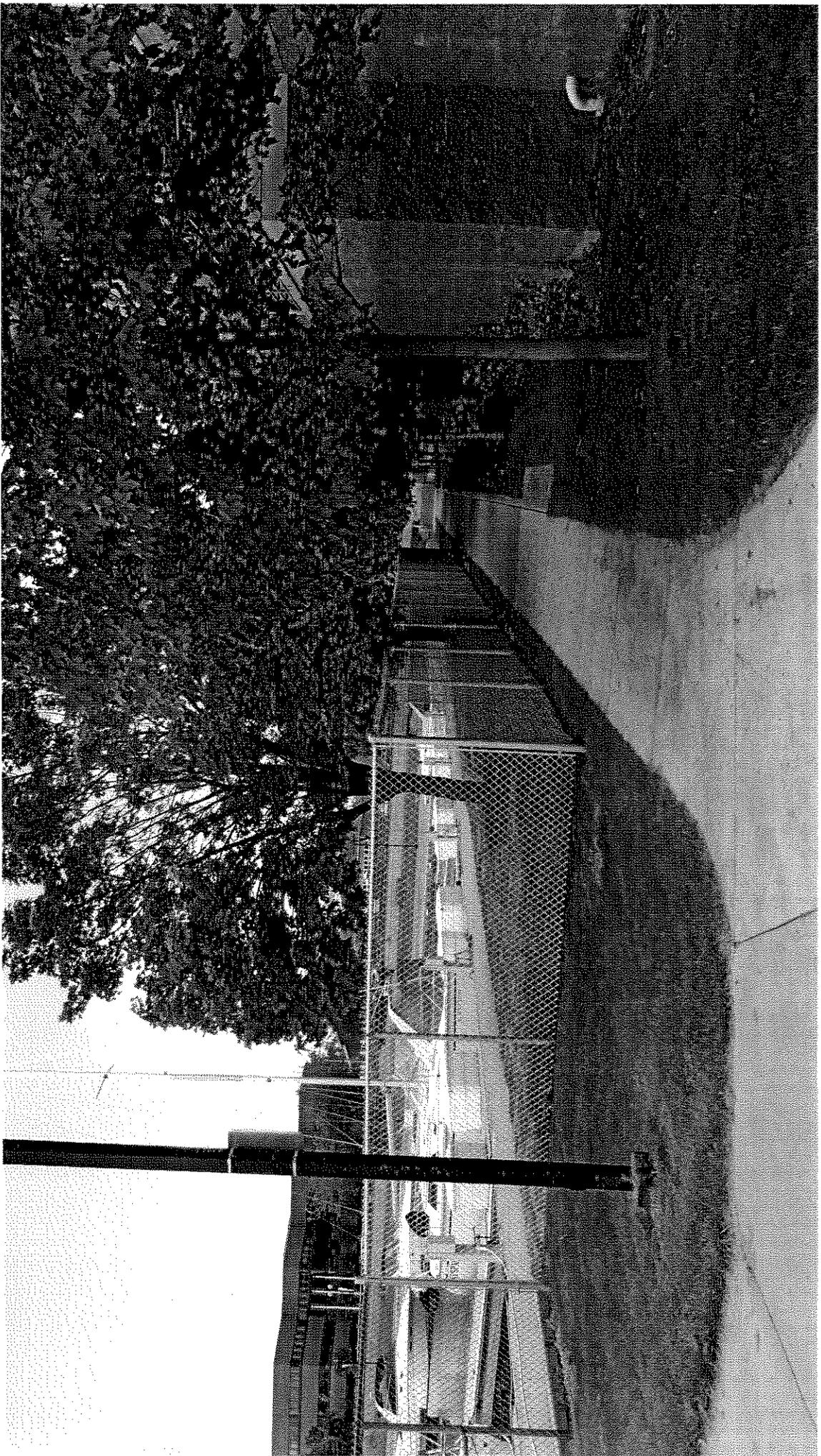
information listed below. The Department of Community Development, Plan Commission and/or the Common Council may require additional information be submitted before taking action.

- (i) Future Land Use map amendments:
 - Completed application form, signed by the applicant or owner.
 - Property map showing adjacent properties and clearly outlining the subject parcel(s).
 - Where the property is not owned by the applicant, a letter from the owner giving consent to apply for the comprehensive plan amendment.
- (ii) A description of the purpose of the comprehensive plan amendment.
- (iii) Justification and support for the proposed map amendment.
- (iv) All other amendments:
- (v) Completed application form.

4. Approval Criteria.

- (i) Approval for Future Land Map Changes. To change a designation, the proposed Future Land Use map amendment must meet at least one of the following criteria listed below. Additional documentation may be needed to address the public facilities, needs, and services that may be necessary to support the proposed designation. Such services may include water, sanitary sewer, storm drainage, transportation (all modes), police and fire protection, and schools.
 - Respond to a substantial change in conditions beyond the property owner's control applicable to the area within which the subject property lies;
 - Better implement applicable comprehensive plan policies than the current map designation;
 - Correct an obvious mapping error;
 - Address an identified deficiency in the Comprehensive Plan.
- (ii) Approval Criteria for Amendments to Text and Other Maps. To change text, including goals, objectives and policies, or any map other than the Future Land Use Map, the amendment must meet at least one of the criteria below:
 - Better implement applicable comprehensive plan policies;
 - Correct errors;
 - Replace outdated data;
 - Address an opportunity for physical, economic, social or cultural improvement of the city.
- (iii) The comprehensive plan amendment(s) shall take into consideration the comprehensive plans adopted by neighboring communities, the East Central Wisconsin Regional Planning Commission, Calumet and Winnebago Counties, and relevant regional issues.
- (iv) Comprehensive plan text amendments and amendments to other maps within the plan shall be consistent with the State of Wisconsin comprehensive planning law (§66.1001).





RESOLUTION NO. R-13-12

RESOLUTION AUTHORIZING THE ISSUANCE AND
SALE OF UP TO \$639,000 WATER SYSTEM REVENUE BONDS, SERIES 2012,
AND PROVIDING FOR OTHER DETAILS AND
COVENANTS WITH RESPECT THERETO

Introduced by Mayor Merkes:

WHEREAS, the City of Menasha, Calumet and Winnebago Counties, Wisconsin (the "Municipality") owns and operates a water utility (the "System") which is operated for a public purpose as a public utility by the Municipality; and

WHEREAS, pursuant to Resolution No. R-20-06 adopted on April 18, 2006 (the "2006 Resolution"), the Municipality has heretofore issued its Combined Utility Revenue Bonds, Series 2006, dated April 26, 2006 (the "2006 Bonds"); and

WHEREAS, pursuant to Resolution No. R-8-07 adopted on April 2, 2007 (the "2007 Resolution"), the Municipality has heretofore issued its Combined Utility Revenue Bonds, Series 2007, dated April 11, 2007 (the "2007 Bonds"); and

WHEREAS, pursuant to Resolution No. R-9-09 adopted on April 6, 2009 (the "2009 Resolution"), the Municipality has heretofore issued its Combined Utility Revenue Bonds, Series 2009, dated April 22, 2009 (the "2009 Bonds"); and

WHEREAS, on March 24, 2011, with the consent of the State of Wisconsin Safe Drinking Water Loan Program, as sole registered owner of the 2006 Bonds, 2007 Bonds and 2009 Bonds, the Common Council of the Municipality amended the 2006 Resolution, 2007 Resolution and 2009 Resolution so that the 2006 Resolution, 2007 Resolution and 2009 Resolution no longer pledge any revenues of the electric utility to the 2006 Bonds, 2007 Bonds and 2009 Bonds, and that the 2006 Bonds, 2007 Bonds and 2009 Bonds are payable from and secured by the income and revenues of only the System; and

WHEREAS, pursuant to Resolution No. R-38-11 adopted on October 17, 2011 (the "2011 Resolution"), the Municipality has heretofore issued its Water System Revenue Bonds, Series 2011, dated November 9, 2011 (the "2011 Bonds"); and

WHEREAS, the 2006 Bonds, the 2007 Bonds, the 2009 Bonds and the 2011 Bonds shall collectively be referred to as the "Prior Bonds"; and

WHEREAS, the 2006 Resolution, the 2007 Resolution, the 2009 Resolution and the 2011 Resolution shall collectively be referred to as the "Prior Resolutions"; and

WHEREAS, certain additional improvements to the System are necessary to meet the needs of the Municipality and the residents thereof, consisting of the construction of a project (the "Project") assigned Safe Drinking Water Loan Program Project No. 4845-05 by the Department of Natural Resources, and as described in the Department of Natural Resources

approval letter for the plans and specifications of the Project, or portions thereof, issued under Section 281.41, Wisconsin Statutes, assigned No. W-2010-0211 and dated April 13, 2010 by the DNR; and

WHEREAS, under the provisions of Chapter 66, Wisconsin Statutes any municipality may, by action of its governing body, provide for purchasing, acquiring, constructing, extending, adding to, improving, operating and managing a public utility from the proceeds of bonds, which bonds are to be payable only from the revenues received from any source by such utility, including all rentals and fees; and

WHEREAS, the Municipality deems it to be necessary, desirable and in its best interest to authorize and sell water system revenue bonds of the Municipality payable solely from the revenues of the System, pursuant to the provisions of Section 66.0621, Wisconsin Statutes, to pay the cost of the Project; and

WHEREAS, the Prior Resolutions permit the issuance of additional bonds on a parity with the Prior Bonds upon certain conditions, and those conditions have been met; and

WHEREAS, other than the Prior Bonds, no bonds or obligations payable from the revenues of the System are now outstanding.

NOW, THEREFORE, be it resolved by the Governing Body of the Municipality that:

Section 1. Definitions. The following terms shall have the following meanings in this Resolution unless the text expressly or by implication requires otherwise:

- (a) "Act" means Section 66.0621, Wisconsin Statutes;
- (b) "Bond Registrar" means the Municipal Treasurer which shall act as Paying Agent for the Bonds;
- (c) "Bonds" means the \$639,000 Water System Revenue Bonds, Series 2012, of the Municipality dated their date of issuance, authorized to be issued by this Resolution;
- (d) "Bond Year" means the twelve-month period ending on each May 1;
- (e) "Current Expenses" means the reasonable and necessary costs of operating, maintaining, administering and repairing the System, including salaries, wages, costs of materials and supplies, insurance and audits, but shall exclude depreciation, debt service, tax equivalents and capital expenditures;
- (f) "Debt Service Fund" means the Water Utility Special Redemption Fund of the Municipality, which shall be the "special redemption fund" as such term is defined in the Act;
- (g) "Financial Assistance Agreement" means the Financial Assistance Agreement by and between the State of Wisconsin by the Department of Natural Resources and the Department of Administration and the Municipality pursuant to which the Bonds are to be issued and sold to the State, substantially in the form attached hereto and incorporated herein by this reference;

- (h) "Fiscal Year" means the twelve-month period ending on each December 31;
- (i) "Governing Body" means the Common Council, or such other body as may hereafter be the chief legislative body of the Municipality;
- (j) "Gross Earnings" means the gross earnings of the System, including earnings of the System derived from water charges imposed by the Municipality, all payments to the Municipality under any agreements between the Municipality and any contract users of the System, and any other monies received from any source including all rentals and fees and any special assessments levied and collected in connection with the Project;
- (k) "Municipal Treasurer" means the Treasurer of the Municipality who shall act as Bond Registrar and Paying Agent;
- (l) "Municipality" means the City of Menasha, Calumet and Winnebago Counties, Wisconsin;
- (m) "Net Revenues" means the Gross Earnings of the System after deduction of Current Expenses;
- (n) "Parity Bonds" means bonds payable from the revenues of the System other than the Bonds but issued on a parity and equality with the Bonds pursuant to the restrictive provisions of Section 11 of this Resolution;
- (o) "Prior Bonds" means the 2006 Bonds, the 2007 Bonds, the 2009 Bonds and the 2011 Bonds, collectively;
- (p) "Prior Resolutions" means the 2006 Resolution, the 2007 Resolution, the 2009 Resolution and the 2011 Resolution, as amended, collectively;
- (q) "Project" means the Project described in the preamble to this Resolution. All elements of the Project are to be owned and operated by the Municipality as part of the System as described in the preamble hereto;
- (r) "Record Date" means the close of business on the fifteenth day of the calendar month next preceding any principal or interest payment date;
- (s) "System" means the entire water utility of the Municipality specifically including that portion of the Project owned by the Municipality and including all property of every nature now or hereafter owned by the Municipality for the collection, treatment, storage and distribution of water, including all improvements and extensions thereto made by the Municipality while any of the Bonds and Parity Bonds remain outstanding, including all real and personal property of every nature comprising part of or used or useful in connection with such water utility and including all appurtenances, contracts, leases, franchises, and other intangibles;
- (t) "2006 Bonds" means the Municipality's Combined Utility Revenue Bonds, Series 2006, dated April 26, 2006;

(u) "2006 Resolution" means Resolution No. R-20-06 adopted by the Governing Body on April 18, 2006 authorizing the issuance of the 2006 Bonds;

(v) "2007 Bonds" means the Municipality's Combined Utility Revenue Bonds, Series 2007, dated April 11, 2007;

(w) "2007 Resolution" means Resolution No. R-8-07 adopted by the Governing Body on April 2, 2007 authorizing the issuance of the 2007 Bonds;

(x) "2009 Bonds" means the Municipality's Combined Utility Revenue Bonds, Series 2009, dated April 22, 2009;

(y) "2009 Resolution" means Resolution No. R-9-09 adopted by the Governing Body on April 6, 2009 authorizing the issuance of the 2009 Bonds;

(z) "2011 Bonds" means the Municipality's Water System Revenue Bonds, Series 2011, dated November 9, 2011; and

(aa) "2011 Resolution" means Resolution No. R-38-11 adopted by the Governing Body on October 17, 2011 authorizing the issuance of the 2011 Bonds.

Section 2. Authorization of the Bonds and the Financial Assistance Agreement. For the purpose of paying the cost of the Project (including legal, fiscal, engineering and other expenses), there shall be borrowed on the credit of the income and revenue of the System up to the sum of \$639,000; and fully registered revenue bonds of the Municipality are authorized to be issued in evidence thereof and sold to the State of Wisconsin Safe Drinking Water Loan Program in accordance with the terms and conditions of the Financial Assistance Agreement, which is incorporated herein by this reference and the Mayor and City Clerk of the Municipality are hereby authorized, by and on behalf of the Municipality, to execute the Financial Assistance Agreement.

Section 3. Terms of the Bonds. The Bonds shall be designated "Water System Revenue Bonds, Series 2012" (the "Bonds"); shall be dated their date of issuance; shall be numbered one and upward; shall bear interest at the rate of 2.200% per annum; shall be issued in denominations of \$0.01 or any integral multiple thereof; and shall mature on the dates and in the amounts as set forth in Exhibit B of the Financial Assistance Agreement and in the Bond form attached hereto as Exhibit A as it is from time to time adjusted by the State of Wisconsin based upon the actual draws made by the Municipality. Interest on the Bonds shall be payable commencing on November 1, 2012 and semiannually thereafter on May 1 and November 1 of each year. The Bonds shall not be subject to redemption prior to maturity except as provided in the Financial Assistance Agreement.

The schedule of maturities of the Bonds is found to be such that the amount of annual debt service payments is reasonable in accordance with prudent municipal utility practices.

Section 4. Form, Execution, Registration and Payment of the Bonds. The Bonds shall be issued as registered obligations in substantially the form attached hereto as Exhibit A and incorporated herein by this reference.

The Bonds shall be executed in the name of the Municipality by the manual signatures of the Mayor and City Clerk, and shall be sealed with its official or corporate seal, if any.

The principal of, premium, if any, and interest on the Bonds shall be paid by the Municipal Treasurer, who is hereby appointed as the Municipality's Bond Registrar.

Both the principal of and interest on the Bonds shall be payable in lawful money of the United States of America by the Bond Registrar. Payment of principal of the final maturity on the Bond will be payable upon presentation and surrender of the Bond to the Bond Registrar. Payment of principal on the Bond (except the final maturity) and each installment of interest shall be made to the registered owner of each Bond who shall appear on the registration books of the Municipality, maintained by the Bond Registrar, on the Record Date and shall be paid by check or draft of the Municipality and mailed to such registered owner at his or its address as it appears on such registration books or at such other address may be furnished in writing by such registered owner to the Bond Registrar.

Section 5. Security for the Bonds. The Bonds, together with interest thereon, shall not constitute an indebtedness of the Municipality nor a charge against its general credit or taxing power. The Bonds, together with interest thereon, shall be payable only out of the Debt Service Fund hereinafter created and established, and shall be a valid claim of the registered owner or owners thereof only against such Debt Service Fund and the revenues of the System pledged to such fund, on a parity with the pledge granted to the holders of the Prior Bonds. Sufficient revenues are hereby pledged to said Debt Service Fund, and shall be used for no other purpose than to pay the principal of, premium, if any, and interest on the Prior Bonds, the Bonds and any Parity Bonds as the same becomes due.

Section 6. Funds and Accounts. In accordance with the Act, for the purpose of the application and proper allocation of the revenues of the System, and to secure the payment of the principal of and interest on the Prior Bonds, the Bonds and Parity Bonds, certain funds of the System which were provided by the Prior Resolutions, as amended, are hereby continued and shall be used solely for the following respective purposes:

- (a) Water Utility Revenue Fund (the "Revenue Fund"), into which shall be deposited as received the Gross Earnings of the System, which money shall then be divided among the Operation and Maintenance Fund, the Debt Service Fund, the Depreciation Fund and the Surplus Fund in the amounts and in the manner set forth in Section 7 hereof and used for the purposes described below.
- (b) Water Utility Operation and Maintenance Fund (the "Operation and Maintenance Fund"), which shall be used for the payment of Current Expenses.
- (c) Water Utility Special Redemption Fund (the "Debt Service Fund"), which shall be divided into two separate accounts known as the "Interest and Principal Account" and the "Reserve Account." The Interest and Principal Account shall be used for the payment of the principal of, premium, if any, and interest on, the Prior Bonds, the Bonds and Parity Bonds as the same becomes due. The Reserve Account is not pledged to the payment of the principal of or interest on the Prior Bonds or the

Bonds and moneys on deposit in the Reserve Account shall under no circumstances be used to pay principal of or interest on the Prior Bonds, or the Bonds.

- (d) Water Utility Depreciation Fund (the "Depreciation Fund"), which shall be used to provide a proper and adequate depreciation account for the System.
- (e) Water Utility Surplus Fund (the "Surplus Fund"), which shall first be used whenever necessary to pay principal of, premium, if any, or interest on the Prior Bonds, the Bonds and Parity Bonds when the Debt Service Fund shall be insufficient for such purpose, and thereafter shall be disbursed as follows: (i) at any time, to remedy any deficiency in any of the Funds provided in this Section 6 hereof; and (ii) money thereafter remaining in the Surplus Fund at the end of any Fiscal Year may be transferred to any of the funds or accounts created herein or to reimburse the general fund of the Municipality for advances made by the Municipality to the System.

Section 7. Application of Revenues. After the delivery of the Bonds, the Gross Earnings of the System shall be deposited as collected in the Revenue Fund and shall be transferred monthly to the funds listed below in the following order of priority and in the manner set forth below:

- (a) to the Operation and Maintenance Fund, in an amount equal to the estimated Current Expenses for such month and for the following month (after giving effect to available amounts in said Fund from prior deposits);
- (b) to the Debt Service Fund, for monthly transfer to the Interest and Principal Account thereof, an amount equal to one-sixth (1/6) of the next installment of interest coming due on the Prior Bonds, the Bonds and any Parity Bonds then outstanding and an amount equal to one-twelfth (1/12) of the installment of principal of the Prior Bonds, the Bonds and any Parity Bonds coming due during such Bond Year (after giving effect to available amounts in said Fund from accrued interest, any premium or any other source); and
- (c) to the Debt Service Fund, for monthly transfer to the Reserve Account thereof, the amount provided by any resolution authorizing Parity Bonds secured by the Reserve Account; and
- (d) to the Depreciation Fund, an amount determined by the Governing Body to be sufficient to provide a proper and adequate depreciation account for the System; and
- (e) to the Surplus Fund, any amount remaining in the Revenue Fund after the monthly transfers required above have been completed.

Transfers from the Revenue Fund to the Operation and Maintenance Fund, the Debt Service Fund, the Depreciation Fund and the Surplus Fund shall be made monthly not later than the tenth day of each month, and such transfer shall be applicable to monies on deposit in the

Revenue Fund as of the last day of the month preceding. Any other transfers and deposits to any fund required or permitted by subsection (a) through (e) of this Section, except transfers or deposits which are required to be made immediately or annually, shall be made on or before the tenth day of the month. Any transfer or deposit required to be made at the end of any Fiscal Year shall be made within sixty (60) days after the close of such Fiscal Year. If the tenth day of any month shall fall on a day other than a business day, such transfer or deposit shall be made on the next succeeding business day.

It is the express intent and determination of the Governing Body that the amounts transferred from the Revenue Fund and deposited in the Debt Service Fund shall be sufficient in any event to pay the interest on the Prior Bonds, the Bonds and any Parity Bonds as the same accrues and the principal thereof as the same matures, and to provide any amounts required to be paid monthly into the Reserve Account.

Section 8. Deposits and Investments. The Interest and Principal Account of the Debt Service Fund shall be kept apart from monies in the other funds and accounts of the Municipality and the same shall be used for no purpose other than the prompt payment of principal of and interest on the Prior Bonds, the Bonds and any Parity Bonds as the same becomes due and payable. All monies therein shall be deposited in special and segregated accounts in a public depository selected under Chapter 34, Wisconsin Statutes and may be temporarily invested until needed in legal investments subject to the provisions of Section 66.0603(1m), Wisconsin Statutes. The other funds herein created (except the Water Utility SDWLP Project Fund) may be combined in a single account in a public depository selected in the manner set forth above and may be temporarily invested until needed in legal investments subject to the provisions of Section 66.0603(1m), Wisconsin Statutes.

Section 9. Service to the Municipality. The reasonable cost and value of services rendered to the Municipality by the System by furnishing water services for public purposes shall be charged against the Municipality and shall be paid in monthly installments as the service accrues, out of the current revenues of the Municipality collected or in the process of collection, exclusive of the revenues derived from the System; that is to say, out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses. The reasonable cost and value of such service to the Municipality in each year shall be equal to an amount which, together with other revenues of the System, will produce in each Fiscal Year Net Revenues equivalent to not less than the annual principal and interest requirements on the Prior Bonds, the Bonds, any Parity Bonds and any other obligations payable from the revenues of the System then outstanding, times the greater of (i) 110% or (ii) the highest debt service coverage ratio required with respect to any obligations payable from revenues of the System then outstanding. However, such payment out of the tax levy shall be subject to (a) approval of the Public Service Commission, or successors to its function, if applicable, (b) yearly appropriations therefor, and (c) applicable levy limitations, if any; and neither this Resolution nor such payment shall be construed as constituting an obligation of the Municipality to make any such appropriation over and above the reasonable cost and value of the services rendered to the Municipality and its inhabitants or to make any subsequent payment over and above such reasonable cost and value.

Section 10. Operation of System; Municipality Covenants. It is covenanted and agreed by the Municipality with the owner or owners of the Bonds, and each of them, that the Municipality will perform all of the obligations of the Municipality as set forth in the Financial Assistance Agreement.

Section 11. Additional Bonds. The Bonds are issued on a parity with the Prior Bonds as to the pledge of revenues of the System. No bonds or obligations payable out of the revenues of the System may be issued in such manner as to enjoy priority over the Bonds. Additional obligations may be issued if the lien and pledge is junior and subordinate to that of the Bonds. Parity Bonds may be issued only under the following circumstances:

(a) Additional Parity Bonds may be issued for the purpose of completing the Project and for the purpose of financing costs of the Project which are ineligible for payment under the State of Wisconsin Safe Drinking Water Loan Program. However, such additional Parity Bonds shall be in an aggregate amount not to exceed 20% of the face amount of the Bonds; or

(b) Additional Parity Bonds may also be issued if all of the following conditions are met:

(1) The Net Revenues of the System for the Fiscal Year immediately preceding the issuance of such additional bonds must have been in an amount at least equal to the maximum annual interest and principal requirements on all bonds outstanding payable from the revenues of the System, and on the bonds then to be issued, times the greater of (i) 1.10 or (ii) the highest debt service coverage ratio to be required with respect to the Additional Parity Bonds to be issued or any other obligations payable from the revenues of the System then outstanding. Should an increase in permanent rates and charges, including those made to the Municipality, be properly ordered and made effective during the Fiscal Year immediately prior to the issuance of such additional bonds or during that part of the Fiscal Year of issuance prior to such issuance, then Net Revenues for purposes of such computation shall include such additional revenues as an independent certified public accountant, consulting professional engineer or the Wisconsin Public Service Commission may certify would have accrued during the prior Fiscal Year had the new rates been in effect during that entire immediately prior Fiscal Year.

(2) The payments required to be made into the funds enumerated in Section 6 of this Resolution must have been made in full.

(3) The additional bonds must have principal maturing on May 1 of each year and interest falling due on May 1 and November 1 of each year.

(4) The proceeds of the additional bonds must be used only for the purpose of providing extensions or improvements to the System, or to refund obligations issued for such purpose.

Section 12. Sale of Bonds. The sale of the Bonds to the State of Wisconsin Safe Drinking Water Loan Program for the purchase price of up to \$639,000 and at par, is ratified and confirmed; and the officers of the Municipality are authorized and directed to do any and all acts, including executing the Financial Assistance Agreement and the Bonds as hereinabove provided, necessary to conclude delivery of the Bonds to said purchaser, as soon after adoption of this Resolution as is convenient. The purchase price for the Bonds shall be paid upon requisition therefor as provided in the Financial Assistance Agreement, and the officers of the Municipality are authorized to prepare and submit to the State requisitions and disbursement requests in anticipation of the execution of the Financial Assistance Agreement and the issuance of the Bonds.

Section 13. Application of Bond Proceeds. The proceeds of the sale of the Bonds shall be deposited by the Municipality into a special fund designated as "Water Utility SDWLP Project Fund." The Water Utility SDWLP Project Fund shall be used solely for the purpose of paying the costs of the Project as more fully described in the preamble hereof and in the Financial Assistance Agreement. Moneys in the Water Utility SDWLP Project Fund shall be disbursed within three (3) business days of their receipt from the State of Wisconsin and shall not be invested in any interest-bearing account.

Section 14. Amendment to Resolution. After the issuance of any of the Bonds, no change or alteration of any kind in the provisions of this Resolution may be made until all of the Bonds have been paid in full as to both principal and interest, or discharged as herein provided, except: (a) the Municipality may, from time to time, amend this Resolution without the consent of any of the owners of the Bonds, but only to cure any ambiguity, administrative conflict, formal defect, or omission or procedural inconsistency of this Resolution; and (b) this Resolution may be amended, in any respect, with a written consent of the owners of not less than two-thirds (2/3) of the principal amount of the Bonds then outstanding, exclusive of Bonds held by the Municipality; provided, however, that no amendment shall permit any change in the pledge of revenues derived from the System or the maturity of any Bond issued hereunder, or a reduction in the rate of interest on any Bond, or in the amount of the principal obligation thereof, or in the amount of the redemption premium payable in the case of redemption thereof, or change the terms upon which the Bonds may be redeemed or make any other modification in the terms of the payment of such principal or interest without the written consent of the owner of each such Bond to which the change is applicable.

Section 15. Defeasance. When all Bonds have been discharged, all pledges, covenants and other rights granted to the owners thereof by this Resolution shall cease. The Municipality may discharge all Bonds due on any date by irrevocably depositing in escrow with a suitable bank or trust company a sum of cash and/or bonds or securities issued or guaranteed as to principal and interest of the U.S. Government, or of a commission, board or other instrumentality of the U.S. Government, maturing on the dates and bearing interest at the rates required to provide funds sufficient to pay when due the interest to accrue on each of said Bonds to its maturity or, at the Municipality's option, if said Bond is prepayable to any prior date upon which it may be called for redemption, and to pay and redeem the principal amount of each such Bond at maturity, or at the Municipality's option, if said Bond is prepayable, at its earliest redemption date, with the premium required for such redemption, if any, provided that notice of the redemption of all prepayable Bonds on such date has been duly given or provided for.

Section 16. Rebate Fund. Unless the Bonds are exempt from the rebate requirements of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality shall establish and maintain, so long as the Bonds and any Parity Bonds are outstanding, a separate account to be known as the "Rebate Fund." The sole purpose of the Rebate Fund is to provide for the payment of any rebate liability with respect to the Bonds under the relevant provisions of the Code and the Treasury Regulations promulgated thereunder (the "Regulations"). The Rebate Fund shall be maintained by the Municipality until all required rebate payments with respect to the Bonds have been made in accordance with the relevant provisions of the Code and the Regulations.

The Municipality hereby covenants and agrees that it shall pay to the United States from the Rebate Fund, at the times and in the amounts and manner required by the Code and the Regulations, the portion of the "rebate amount" (as defined in Section 1.148-3(b) of the Regulations) that is due as of each "computation date" (within the meaning of Section 1.148-3(e) of the Regulations). As of the date of this Resolution, the provisions of the Regulations specifying the required amounts of rebate installment payments and the time and manner of such payments are contained in Sections 1.148-3(f) and (g) of the Regulations, respectively. Amounts held in the Rebate Fund and the investment income therefrom are not pledged as security for the Bonds or any Parity Bonds and may only be used for the payment of any rebate liability with respect to the Bonds.

The Municipality may engage the services of accountants, attorneys or other consultants necessary to assist it in determining the rebate payments, if any, owed to the United States with respect to the Bonds. The Municipality shall maintain or cause to be maintained records of determinations of rebate liability with respect to the Bonds for each computation date until six (6) years after the retirement of the last of the Bonds. The Municipality shall make such records available to the State of Wisconsin upon reasonable request therefor.

Section 17. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the Municipality and the owner or owners of the Bonds, and after issuance of any of the Bonds no change or alteration of any kind in the provisions of this Resolution may be made, except as provided in Section 14, until all of the Bonds have been paid in full as to both principal and interest. The owner or owners of any of the Bonds shall have the right in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to enforce such owner's or owners' rights against the Municipality, the Governing Body thereof, and any and all officers and agents thereof including, but without limitation, the right to require the Municipality, its Governing Body and any other authorized body, to fix and collect rates and charges fully adequate to carry out all of the provisions and agreements contained in this Resolution.

Section 18. Continuing Disclosure. The officers of the Municipality are hereby authorized and directed, if requested by the State of Wisconsin, to provide to the State of Wisconsin Safe Drinking Water Loan Program and to such other persons or entities as directed by the State of Wisconsin such ongoing disclosure regarding the Municipality's financial condition and other matters, at such times and in such manner as the Safe Drinking Water Loan Program may require, in order that securities issued by the Municipality and the State of Wisconsin satisfy rules and regulations promulgated by the Securities and Exchange

Commission under the Securities Exchange Act of 1934, as amended and as it may be amended from time to time, imposed on brokers and dealers of municipal securities before the brokers and dealers may buy, sell, or recommend the purchase of such securities.

Section 19. Conflicting Resolutions. All ordinances, resolutions (other than the Prior Resolutions, as amended), or orders, or parts thereof heretofore enacted, adopted or entered, in conflict with the provisions of this Resolution, are hereby repealed and this Resolution shall be in effect from and after its passage. In case of any conflict between this Resolution and the Prior Resolutions, as amended, the Prior Resolutions, as amended, shall control as long as any of the respective Prior Bonds are outstanding.

Passed: May 21, 2012

Approved: May 21, 2012

Donald Merkes
Mayor

Attest:

Deborah A. Galeazzi
City Clerk

EXHIBIT A

(Form of Municipal Obligation)

REGISTERED
NO. _____

UNITED STATES OF AMERICA
STATE OF WISCONSIN
CALUMET AND WINNEBAGO COUNTIES
CITY OF MENASHA

REGISTERED
\$ _____

WATER SYSTEM REVENUE BOND, SERIES 2012

Final
Maturity Date

Date of
Original Issue

May 1, 2032

_____, 20__

REGISTERED OWNER: STATE OF WISCONSIN SAFE DRINKING WATER LOAN
PROGRAM

FOR VALUE RECEIVED the City of Menasha, Calumet and Winnebago Counties, Wisconsin (the "Municipality") hereby acknowledges itself to owe and promises to pay to the registered owner shown above, or registered assigns, solely from the fund hereinafter specified, the principal sum of an amount not to exceed _____ DOLLARS (\$ _____) (but only so much as shall have been drawn hereunder, as provided below) on May 1 of each year commencing May 1, 2013 until the final maturity date written above, together with interest thereon (but only on amounts as shall have been drawn hereunder, as provided below) from the dates the amounts are drawn hereunder or the most recent payment date to which interest has been paid, at the rate of 2.200% per annum, calculated on the basis of a 360-day year made up of twelve 30-day months, such interest being payable on the first days of May and November of each year, with the first interest being payable on November 1, 2012.

The principal amount evidenced by this Bond may be drawn upon by the Municipality in accordance with the Financial Assistance Agreement entered by and between the Municipality and the State of Wisconsin by the Department of Natural Resources and the Department of Administration including capitalized interest transferred (if any). The principal amounts so drawn shall be repaid in installments on May 1 of each year commencing on May 1, 2013 in an amount equal to an amount which when amortized over the remaining term of this Bond plus current payments of interest (but only on amounts drawn hereunder) at Two and 200/1000ths percent (2.200%) per annum shall result in equal annual payments of the total of principal and the semiannual payments of interest. The State of Wisconsin Department of Administration shall record such draws and corresponding principal repayment schedule on a cumulative basis in the format shown on the attached Schedule A.

Both principal and interest hereon are hereby made payable to the registered owner in lawful money of the United States of America. On the final maturity date, principal of this Bond shall be payable only upon presentation and surrender of this Bond at the office of the Municipal Treasurer. Principal hereof (except the final maturity) and interest hereon shall be payable by electronic transfer or by check or draft dated on or before the applicable payment date and mailed from the office of the Municipal Treasurer to the person in whose name this Bond is registered at the close of business on the fifteenth day of the calendar month next preceding such interest payment date.

The Bonds shall not be redeemable prior to their maturity, except with the consent of the registered owner.

This Bond is transferable only upon the books of the Municipality kept for that purpose at the office of the Municipal Treasurer, by the registered owner in person or its duly authorized attorney, upon surrender of this Bond, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Municipal Treasurer, duly executed by the registered owner or its duly authorized attorney. Thereupon a replacement Bond shall be issued to the transferee in exchange therefor. The Municipality may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal or interest hereof and for all other purposes. This Bond is issuable solely as a negotiable, fully-registered bond, without coupons, and in denominations of \$0.01 or any integral multiple thereof.

This Bond is issued for the purpose of providing for the payment of the cost of constructing improvements to the Water Utility of the Municipality, pursuant to Article XI, Section 3, of the Wisconsin Constitution, Section 66.0621, Wisconsin Statutes, and a resolution adopted May 21, 2012, and entitled: "Resolution Authorizing the Issuance and Sale of Up to \$639,000 Water System Revenue Bonds, Series 2012, and Providing for Other Details and Covenants With Respect Thereto" and is payable only from the income and revenues derived from the operation of the Water Utility of the Municipality (the "Utility"). The Bonds are issued on a parity with the Municipality's Combined Utility Revenue Bonds, Series 2006, dated April 26, 2006, Combined Utility Revenue Bonds, Series 2007, dated April 11, 2007, Combined Utility Revenue Bonds, Series 2009, dated April 22, 2009 and Water System Revenue Bonds, Series 2011, dated November 9, 2011, as to the pledge of income and revenues of the Utility. This Bond does not constitute an indebtedness of said Municipality within the meaning of any constitutional or statutory debt limitation or provision.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen, and be performed precedent to and in the issuance of this Bond have existed, have happened and have been performed in due time, form and manner as required by law; and that sufficient of the income and revenue to be received by said Municipality from the operation of its Utility has been pledged to and will be set aside into a special fund for the payment of the principal of and interest on this Bond.

IN WITNESS WHEREOF, the Municipality has caused this Bond to be signed by the signatures of its Mayor and City Clerk, and its corporate seal to be impressed hereon, all as of the date of original issue specified above.

CITY OF MENASHA,
WISCONSIN

(SEAL)

By: _____
Donald Merkes
Mayor

By: _____
Deborah A. Galeazzi
City Clerk

COPY

(Form of Assignment)

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

(Please print or typewrite name and address, including zip code, of Assignee)

Please insert Social Security or other identifying number of Assignee

the within Bond and all rights thereunder, hereby irrevocably constituting and appointing

Attorney to transfer said Bond on the books kept for the registration thereof with full power of substitution in the premises.

Dated: _____

NOTICE: The signature of this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

Signature(s) guaranteed by

SCHEDULE A

\$639,000

CITY OF MENASHA, WISCONSIN
WATER SYSTEM REVENUE BONDS, SERIES 2012

<u>Amount of Disbursement</u>	<u>Date of Disbursement</u>	<u>Series of Bonds</u>	<u>Principal Repaid</u>	<u>Principal Balance</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

COPY

SCHEDULE A (continued)

PRINCIPAL REPAYMENT SCHEDULE

<u>Date</u>	<u>Principal Amount</u>
May 1, 2013	\$25,779.44
May 1, 2014	26,346.59
May 1, 2015	26,926.22
May 1, 2016	27,518.59
May 1, 2017	28,124.00
May 1, 2018	28,742.73
May 1, 2019	29,375.07
May 1, 2020	30,021.32
May 1, 2021	30,681.79
May 1, 2022	31,356.79
May 1, 2023	32,046.64
May 1, 2024	32,751.67
May 1, 2025	33,472.21
May 1, 2026	34,208.59
May 1, 2027	34,961.18
May 1, 2028	35,730.33
May 1, 2029	36,516.40
May 1, 2030	37,319.76
May 1, 2031	38,140.79
May 1, 2032	38,979.89

COPY

Loan Payment Schedule Comments

The following Loan Repayment Schedule is a hypothetical payment schedule that assumes all of the loan proceeds are drawn on the loan closing date. Since the Environmental Improvement Fund (“EIF”) loans are generally construction loans, the actual total amount of the loan disbursements, as well as the timing of the loan disbursements, will typically not be known until the construction project is complete. At the time that the last draw on your loan is made, the actual loan repayment schedule can be determined for the remainder of the loan term. Your municipality is only charged interest on the amount of the loan that is disbursed and the calculation is based on the number of days that the municipality has use of the money.

Please look over the following loan payment schedule so that you are aware of the dates when the interest payments start and when the principal payments will start. These payment dates are set in the bond/note that is the collateral for your EIF loan. A final loan payment schedule will be provided to you when DNR notifies DOA that the project is complete and the project is ready to be “closed-out”. A Loan Payment Schedule based on year-to-date disbursements may be obtained by your municipality or your auditor for planning or reporting purposes. To obtain a Loan Payment Schedule based on year-to-date loan disbursements, please go to:

<http://www.eif.doa.wi.gov>

and select the report titled “Loan Payment Schedule”.

If you have any questions on the following hypothetical loan payment schedule, please call Aaron Heintz at 608-266-0739.

Other loan accounts reports are also available at the above website. Updated information is available on the website the day following a loan disbursement, a loan payment or other financial transaction that changes the loan balance.

City of Menasha, Wisconsin

Project 4845-05 Safe Drinking Water Loan Program

Loan Closing Date:

June 13, 2012

Exhibit B-1

<u>Payment Date</u>	<u>Principal Payment</u>	<u>Interest Rate</u>	<u>Interest Payment</u>	<u>Principal & Interest</u>	<u>Bond Year Debt Service</u>	<u>Calendar Year Debt Service</u>
1-Nov-12		2.200%	5,388.90	5,388.90		5,388.90
1-May-13	25,779.44	2.200%	7,029.00	32,808.44	38,197.34	
1-Nov-13		2.200%	6,745.43	6,745.43		39,553.87
1-May-14	26,346.59	2.200%	6,745.43	33,092.02	39,837.45	
1-Nov-14		2.200%	6,455.61	6,455.61		39,547.63
1-May-15	26,926.22	2.200%	6,455.61	33,381.83	39,837.44	
1-Nov-15		2.200%	6,159.43	6,159.43		39,541.26
1-May-16	27,518.59	2.200%	6,159.43	33,678.02	39,837.45	
1-Nov-16		2.200%	5,856.72	5,856.72		39,534.74
1-May-17	28,124.00	2.200%	5,856.72	33,980.72	39,837.44	
1-Nov-17		2.200%	5,547.36	5,547.36		39,528.08
1-May-18	28,742.73	2.200%	5,547.36	34,290.09	39,837.45	
1-Nov-18		2.200%	5,231.19	5,231.19		39,521.28
1-May-19	29,375.07	2.200%	5,231.19	34,606.26	39,837.45	
1-Nov-19		2.200%	4,908.06	4,908.06		39,514.32
1-May-20	30,021.32	2.200%	4,908.06	34,929.38	39,837.44	
1-Nov-20		2.200%	4,577.83	4,577.83		39,507.21
1-May-21	30,681.79	2.200%	4,577.83	35,259.62	39,837.45	
1-Nov-21		2.200%	4,240.33	4,240.33		39,499.95
1-May-22	31,356.79	2.200%	4,240.33	35,597.12	39,837.45	
1-Nov-22		2.200%	3,895.40	3,895.40		39,492.52
1-May-23	32,046.64	2.200%	3,895.40	35,942.04	39,837.44	
1-Nov-23		2.200%	3,542.89	3,542.89		39,484.93
1-May-24	32,751.67	2.200%	3,542.89	36,294.56	39,837.45	
1-Nov-24		2.200%	3,182.62	3,182.62		39,477.18
1-May-25	33,472.21	2.200%	3,182.62	36,654.83	39,837.45	
1-Nov-25		2.200%	2,814.43	2,814.43		39,469.26
1-May-26	34,208.59	2.200%	2,814.43	37,023.02	39,837.45	
1-Nov-26		2.200%	2,438.13	2,438.13		39,461.15
1-May-27	34,961.18	2.200%	2,438.13	37,399.31	39,837.44	
1-Nov-27		2.200%	2,053.56	2,053.56		39,452.87
1-May-28	35,730.33	2.200%	2,053.56	37,783.89	39,837.45	
1-Nov-28		2.200%	1,660.53	1,660.53		39,444.42
1-May-29	36,516.40	2.200%	1,660.53	38,176.93	39,837.46	
1-Nov-29		2.200%	1,258.84	1,258.84		39,435.77
1-May-30	37,319.76	2.200%	1,258.84	38,578.60	39,837.44	
1-Nov-30		2.200%	848.33	848.33		39,426.93
1-May-31	38,140.79	2.200%	848.33	38,989.12	39,837.45	
1-Nov-31		2.200%	428.78	428.78		39,417.90
1-May-32	38,979.89	2.200%	428.78	39,408.67	39,837.45	39,408.67
Totals	639,000.00		156,108.84	795,108.84	795,108.84	795,108.84

Net Interest Rate 2.2000%
 Bond Years 7,095.8542
 Average Life 11.1046

The above schedule assumes full disbursement of the loan on the loan closing date.
 07-May-12 Wisconsin Department of Administration

State of Wisconsin
Department of Natural Resources
Bureau of Community Financial Assistance
101 South Webster Street
PO Box 7921
Madison, Wisconsin 53707-7921
(608) 266-7555

Financial Assistance Agreement
Safe Drinking Water Loan Program
Form 8700-214 rev 8/10

STATE OF WISCONSIN SAFE DRINKING WATER LOAN PROGRAM
FINANCIAL ASSISTANCE AGREEMENT WITH PRINCIPAL FORGIVENESS

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
DEPARTMENT OF ADMINISTRATION

and

CITY OF MENASHA

\$683,451 With \$44,451 PRINCIPAL FORGIVENESS

FINANCIAL ASSISTANCE AGREEMENT

Dated as of June 13, 2012

This constitutes a **Financial Assistance Agreement** under the State of Wisconsin's Safe Drinking Water Loan Program. This agreement is awarded pursuant to ss. 281.59 and 281.61, Wis. Stats. The purpose of this agreement is to award financial assistance from the Safe Drinking Water Loan Program. This agreement also discloses the terms and conditions of this award.

This agreement is only effective when signed by authorized officers of the municipality and an authorized officer of the State of Wisconsin Department of Natural Resources and State of Wisconsin Department of Administration.

The Department of Natural Resources and the Department of Administration may rescind or terminate this agreement if the municipality fails to comply with the terms and conditions contained within. Any determination or certification made in this agreement by the Department of Natural Resources or the Department of Administration is made solely for the purpose of providing financial assistance under the Safe Drinking Water Loan Program.

Municipal Identification No. 70251
Safe Drinking Water Loan Program Project No. 4845-05

"Municipal Obligation Counsel Opinion" means the opinion of counsel satisfactory to DOA, issued in conjunction with the Municipal Obligations, stating that:

- (a) the FAA and the performance by the Municipality of its obligations thereunder have been duly authorized by all necessary action by the governing body of the Municipality, and the FAA has been duly executed and delivered by the Municipality;
- (b) the Municipal Obligations have been duly authorized, executed and delivered by the Municipality and sold to the SDWLP;
- (c) each of the FAA and the Municipal Obligations constitutes a legal, valid and binding obligation of the Municipality, enforceable against the Municipality in accordance with its respective terms (provided that enforceability thereof may be subject to bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting creditors' rights heretofore or hereafter enacted to the extent constitutionally applicable and that its enforcement may also be subject to the exercise of judicial discretion in appropriate cases);
- (d) the Municipal Obligations constitute special obligations of the Municipality secured as to payment of principal, interest and redemption price by the pledged revenues as set forth therein;
- (e) interest on the Municipal Obligations is not included in gross income of the owners thereof for federal income taxation purposes under existing laws, regulations, rulings and judicial decisions;
- (f) the Municipal Obligations are not "arbitrage bonds" within the meaning of Section 148 of the Code and the arbitrage regulations; and
- (g) the Municipal Obligations are not "private activity bonds" as defined in Section 141(a) of the Code.

"Municipal Obligation Resolution" means that action taken by the governing body of the Municipality authorizing the issuance of the Municipal Obligations.

"Municipal Obligations" means the bonds or notes issued and delivered by the Municipality to the SDWLP, a specimen copy of which is included in the Municipal Obligations transcript in exchange for the portion of the Loan which is not subject to Principal Forgiveness.

"Municipality" means City of Menasha, a "local governmental unit" within the meaning of the Act, duly organized and existing under the laws of the State, and any successor entity.

"Parity Obligations" means the Municipality's \$12,061,890 Combined Utility Revenue Bonds, Series 2006, dated April 26, 2006, its \$779,363 Combined Utility Revenue Bonds, Series 2007, dated April 11, 2007, its \$678,908 Combined Utility Revenue Bonds, Series 2009, dated April 22, 2009, its \$233,307 Water System Revenue Bonds, Series 2011, dated November 9, 2011, and any other obligations issued on a parity with the Municipal Obligations pursuant to the restrictive provisions of Section 11 of the Municipal Obligation Resolution.

"Plans and Specifications" means the Project design plans and specifications assigned No. W-2010-0211, approved by DNR on April 13, 2010, as the same may be amended or modified from time to time in accordance with this FAA.

"Principal Forgiveness" means Financial Assistance received in the form of forgiveness of Loan principal amount pursuant to the Act, Regulations, and this FAA of which no repayment thereof shall be required except as may be required per the Act, Regulations, or this FAA. The amount of principal forgiveness available for this Project as of the date of this FAA is \$44,451.

"Progress payments" means payments for work in place and materials or equipment that have been delivered or are stockpiled in the vicinity of the construction site. This includes payments for undelivered specifically manufactured equipment if: (1) designated in the specifications, (2) could not be readily utilized or diverted to another job and (3) a fabrication period of more than 6 months is anticipated.

"Project" means the project assigned SDWLP Project No. 4845-05 by DNR, described in the Project Manager Summary Page (Exhibit F), and further described in the DNR approval letter(s) for the Plans and Specifications, or portions thereof, issued under s. 281.41, Wis. Stats.

"Project Costs" means the costs of the Project that are eligible for financial assistance from the SDWLP under the Act, which are allowable costs under the Regulations, which have been incurred by the Municipality, an estimate of which is set forth in Exhibit A hereto and made a part hereof.

"Regulations" means chs. NR 166, NR 809 and NR 811, Wis. Adm. Code, the regulations of DNR, and ch. Adm. 35, Wis. Adm. Code, the regulations of DOA, adopted pursuant to and in furtherance of the Act, as such may be adopted or amended from time to time.

"Safe Drinking Water Act" means the federal Safe Drinking Water Act, 42 U.S.C. 300f to 300j-26.

"SDWLP" means State of Wisconsin Safe Drinking Water Loan Program, established pursuant to ss. 281.59 and 281.61, Wis. Stats., and managed and administered by DNR and DOA.

"Series Resolution" or "Supplemental Resolution" shall have the meaning set forth in the General Resolution.

"State" means the State of Wisconsin.

"Substantial Completion" means the point in time when the Project is operational or capable of being operated.

"Trustee" means the trustee appointed by the State pursuant to the General Resolution and any successor trustee.

"User Fees" means fees charged or to be charged to users of the Project or the Water System of which the Project is a part pursuant to the Water Rates or otherwise.

"Water Diversion Permit" means a DNR permit issued to the Municipality under s. 30.18(2), Wis. Stats., to divert water from a stream or lake in Wisconsin.

"Water Rates" means a charge or system of charges levied on users of a water system for the user's proportional share of the revenue requirement of a water system which consists of operation and maintenance expenses, depreciation, taxes and return on investment.

"Water System" means all structures, conduits and appurtenances by means of which water is delivered to consumers except piping and fixtures inside buildings served and service pipes from buildings to street mains.

Section 1.02. Rules of Interpretation Unless the context clearly indicates to the contrary, the following rules shall apply to the context of this FAA:

(a) Words importing the singular number shall include the plural number and vice versa, and one gender shall include all genders.

(b) All references herein to particular articles or sections are references to articles or sections of this FAA.

IN WITNESS WHEREOF, the SDWLP and the Municipality have caused this FAA to be executed and delivered, as of the date and year first above written.

CITY OF MENASHA

FORM

By: _____
Donald Merkes
Mayor

FORM

Attest: _____
Deborah A. Galeazzi
Clerk

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

By: _____
Authorized Officer

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By: _____
Authorized Officer

EXHIBIT A

PROJECT BUDGET SHEET SUMMARY

CITY OF MENASHA
SDWLP Project No. 4845-05

	Total Project Costs	Ineligible SDWLP Costs (A)	SDWLP Eligible Costs	Eligible SDWLP Costs Paid With Municipal or Non-SDWLP Loan Funds (B)	Eligible Costs Paid by Other Grant(s)	SDWLP Fundable Amount for this Project (C)	Principal Forgiveness Amount	Net SDWLP Loan Amount
Force Account	\$ 2,060	\$ 0	\$ 2,060	\$ 0	\$ 0	\$ 2,060	\$ 0	\$ 2,060
Interim Financing Costs	0	0	0	0	0	0	0	0
Engineering Report Preparation	0	0	0	0	0	0	0	0
Plans/Specifications Preparation	0	0	0	0	0	0	0	0
Land or Easement Acquisition	0	0	0	0	0	0	0	0
Engineering/Construction Mgmt.	8,000	1,863	6,147	0	0	6,147	0	6,147
Construction/Equipment	829,133	192,095	637,038	0	0	637,038	44,451	592,587
Contingency	31,852	0	31,852	0	0	31,852	0	31,852
Miscellaneous Costs	354	0	354	0	0	354	0	354
SDWLP Closing Costs	6,000	0	6,000	0	0	6,000	0	6,000
TOTAL	\$877,399	\$193,948	\$683,451	\$ 0	\$ 0	\$683,451	\$44,451	\$639,000

A = Municipal internal funds or other grant funding will cover ineligible SDWLP costs.

B = Eligible SDWLP costs paid with municipal internal funds or other non-SDWLP loan funds.

C = This amount is calculated before deducting funding provided from non-SDWLP sources.

EXHIBIT F

PROJECT MANAGER SUMMARY PAGE

CITY OF MENASHA
SDWLP Project No. 4845-05

1. **Project Description:** Replacement of four sections of water mains located on: Arthur, Ida, Grove and 8th Streets due to frequent breaks. The Project details are provided in the plans and specifications the DNR approved on April 13, 2010 and assigned approval number W-2010-0211.
2. **Ineligible Costs:** The water main replacement on Paris Street, in the amount of \$193,948 (\$192,095 of construction and \$1,853 of engineering services) is ineligible for SDWLP funding because the scope of work was not included in the plans and specifications the DNR approved for this Project. If the Department identifies additional ineligible Project Costs as the Project progresses, the Department will notify the Municipality.
3. **Other Funding Sources:** City of Menasha \$193,948
4. **DBE Good Faith Effort:** Municipality complied with requirement.
5. **Miscellaneous Costs:** As shown in the Project Budget Sheet Summary (Exhibit A), SDWLP funding in the amount of \$354 is included in the miscellaneous category for:
 - ♦ Administrative Expenses - \$354
6. **Contingency Allowance:** The Contingency allowance of \$31,852 is five percent of the amount of uncompleted construction work.
7. **Federal Single Audit:** This project is expected to be funded, at least in part, with federal funds and is subject to the Federal Single Audit requirements referenced in Section 5.21 of the FAA. If the municipality receives more than \$500,000 of money that originates from any federal source in a calendar year, then it must commission a Federal Single Audit as a part of its regular financial audit. The Federal Catalogue of Domestic Assistance number is 66.468 for water project disbursements funded with federal money.
8. **Green Project Reserve:**

Green Infrastructure	\$0
Water Efficiency	\$0
Energy Efficiency	\$0
Environmentally Innovative	\$0
TOTAL Green Project Reserve Funding	\$0

ATTACHMENT #1

Safe Drinking Water Loan Program Project No. 4845-05
City of Menasha
Replace Mains on Arthur, Ida, Grove & 8th St., Freq. Breaks
Financial Assistance Agreement
Closing Schedule

By May 9, 2012:

- Department of Natural Resources (DNR) project manager distributes Financial Assistance Agreement (FAA) to Quarles & Brady and municipality for review.

By May 14, 2012:

- Municipality submits Request for Disbursement (Form 8700-215) with supporting invoices for first disbursement.

By May 16, 2012:

- Quarles & Brady distributes draft Municipal Obligation Resolution and other bond documents to the City of Menasha and Department of Administration (DOA) for review.

On May 21, 2012:

- Municipality holds properly noticed meeting at which time:
 1. Municipal Obligation Resolution is adopted
 2. Bond/Note related documents are signed by municipal officials
 3. DNR FAA is signed by municipal officials

NOTE: Most documents must be signed by Highest Elected Official & Clerk/Secretary and some documents must have municipal seal applied.

By May 23, 2012:

- 1. Municipality immediately returns FAA to DNR for countersigning by DNR.
 2. Municipality delivers signed & sealed Resolution & other bond/note documents to Quarles & Brady.

By June 8, 2012:

- Quarles & Brady sends final signed and sealed bond/note documents and legal opinion to DOA.

June 13, 2012:

- Loan Closing Day. Quarles & Brady contacts DOA to confirm closing and DOA wire transfers the first disbursement to municipal bank account.

Safe Drinking Water Loan Program Project No. 4845-05
 City of Menasha
 Replace Mains on Arthur, Ida, Grove & 8th St., Freq. Breaks
 Financial Assistance Agreement Summary/Distribution Sheet

FINANCIAL ASSISTANCE INFO

Total Project Amount: \$683,451

Principal Forgiveness Amount: \$44,451 Net SDWLP Loan Amount: \$639,000

Pledge: Water Revenue Lien Priority: Sr-Parity

Composite Interest Rate: 2.200%

DOCUMENT INFO

Anticipated Date of Municipal Obligation Resolution – May 21, 2012

CLOSING INFO

Estimated Reimbursement: \$ _____ (TBD)

DISTRIBUTION**Department of Natural Resources**

Meja Maka
 Bureau of Community Financial Assistance
 101 South Webster Street, 2nd Floor
 PO Box 7921
 Madison WI 53707-7921
 608-266-9193
 FAX – 608-267-0496

Municipality

Ms. Melanie Krause, Business Operations Manager
 City of Menasha
 140 Main Street
 Menasha WI 54952-0340
 920-967-3611
 FAX – 920-967-5272

Municipal Bond Counsel

Ms. Rebecca A. Speckhard, Attorney
 Quarles & Brady
 411 East Wisconsin Avenue
 Milwaukee WI 53202-4497
 414-277-5000
 FAX – 414-271-3552

Department of Administration

Aaron Heintz
 DOA – Environmental Improvement Fund
 101 East Wilson Street, 10th Floor
 PO Box 7864
 Madison WI 53707-7864
 608-266-0739
 FAX – 608-266-7645

Engineering Firm

Ms. Jennifer Schaff
 McMahon Associates
 1445 McMahon Drive
 Neenah WI 54957-1025
 920-751-4200
 FAX – 920-751-4284

Financial Advisor

Mr. Tom Karman
 Schenck Business Solutions
 2200 Riverside Drive
 Green Bay WI 54305-3819
 920-436-7800
 FAX - 920-436-7808

City of Menasha - DEBT COVERAGE CALCULATION

WATER REVENUE BONDS

5/7/2012

**** FINAL ****

	Schenck 2009	Schenck Draft 2010	PSC 2011
Water System Revenues			
Sale of water	4,182,237.00	4,385,516.00	4,640,014.00
Other water operating revenue	90,727.00	99,840.00	93,351.00
Other water income	20,453.00	8,496.00	0.00
reserved	0.00	0.00	0.00
reserved	0.00	0.00	0.00
reserved	0.00	0.00	0.00
reserved	0.00	0.00	0.00
reserved	0.00	0.00	0.00
Total "Gross Earnings"	4,293,417.00	4,493,852.00	4,733,365.00
Water System Expenses			
Operation & maintenance	2,372,592.00	2,408,518.00	2,479,082.00
Payroll taxes (not PILOT)	57,999.00	60,331.00	74,520.00
reserved	0.00	0.00	0.00
reserved	0.00	0.00	0.00
reserved	0.00	0.00	0.00
reserved	0.00	0.00	0.00
reserved	0.00	0.00	0.00
Total "Current Expenses"	2,430,591.00	2,468,849.00	2,553,602.00
"NET REVENUES"	1,862,826.00	2,025,003.00	2,179,763.00
		2013 MAX	Required
Water Revenue Debt Issues		Prin & Int	Debt
\$12,061,890 SDWLP, Series 2006		823,872.57	110%
\$779,363 SDWLP, Series 2007		51,445.78	110%
\$678,908 SDWLP, Series 2009		43,276.12	110%
\$233,307 SDWLP, Series 2011		14,437.01	110%
\$639,000 SDWLP, Series 2012		39,547.63	110%
Max Annual Debt Service		972,579.11	
Net Revenues / Max Annual Debt Service -->	2,179,763.00 / 972,579.11	= 224.12%	Debt Coverage
Conclusion: need Net Revenues of at least -->	1,069,837.02 (972,579.11 x 110%)		to meet Debt Coverage Test
Net Revenues Excess or (Shortfall) -->	1,109,925.98		
Contacts:			
Melanie Krause, Manager Business Operations [tel: 920-967-4785; fax: 920-967-4807; email: mkrause@wppienergy.com]			
Debbie Galeazzi, Clerk [tel: 920-967-3603; fax: 920-967-5271; email: dgaleazzi@ci.menasha.wi.us]			
Amy Vaclavik, Engineer [tel: 920-751-4200; fax: 920-751-4284; email: avaclavik@mcmgrp.com]			
Rebecca Speckhard, Bond Counsel [tel: 414-277-5761; fax: 414-978-8761; email: rebecca.speckhard@quarles.com]			
Carol Wirth, FA [tel: 414-347-7136; fax: 414-347-7140; email: cawirth@wipublicfinance.com]			
Tom Karm, CPA [tel: 920-436-7800; fax: 920-436-7808; email: karmant@schencksolutions.com]			

ANNUAL DEBT SERVICE SCHEDULE

** Maximum Debt Service is SHADED **

5/7/2012

** FINAL **

Year	SDWLP ² Water ⁴ Series 2006 Dated 4/26/2006	SDWLP ¹ Water ⁴ Series 2007 Dated 4/11/2007	SDWLP ² Water ⁴ Series 2009 Dated 4/22/2009	SDWLP ¹ Water Rev Series 2011 Dated 11/9/2011	SDWLP ³ Water Rev Series 2012 Dated 6/13/2012	Annual Debt Service Total	MAX Annual
1	824,211.73	51,468.09	43,296.26	14,327.56	5,388.90	938,692.54	
2	824,044.14	51,457.07	43,286.33	14,439.34	39,553.87	972,780.75	
3	823,872.57	51,445.78	43,276.12	14,437.01	39,547.63	972,579.11	
4	823,696.95	51,434.21	43,265.67	14,434.63	39,541.26	972,372.72	
5	823,517.17	51,422.35	43,254.91	14,432.20	39,534.74	972,161.37	
6	823,333.16	51,410.19	43,243.87	14,429.72	39,528.08	971,945.02	
7	823,144.77	51,397.74	43,232.54	14,427.18	39,521.28	971,723.51	
8	822,951.94	51,384.98	43,220.92	14,424.59	39,514.32	971,496.75	
9	822,754.56	51,371.91	43,208.96	14,421.93	39,507.21	971,264.57	
10	822,552.49	51,358.51	43,196.70	14,419.22	39,499.95	971,026.87	
11	822,345.66	51,344.78	43,184.11	14,416.45	39,492.52	970,783.52	
12	822,133.93	51,330.71	43,171.19	14,413.62	39,484.93	970,534.38	
13	821,917.19	51,316.29	43,157.92	14,410.73	39,477.18	970,279.31	
14	821,695.32	51,301.52	43,144.28	14,407.76	39,469.26	970,018.14	
15	821,473.45	51,286.37	43,130.30	14,404.74	39,461.15	148,282.56	
16	821,251.58	51,271.19	43,116.32	14,401.65	39,452.87	96,970.45	
17	821,029.71	51,256.01	43,102.24	14,398.50	39,444.42	96,944.12	
18	820,807.84	51,240.83	43,088.16	14,395.27	39,435.77	53,831.04	
19	820,585.97	51,225.65	43,074.08	14,391.98	39,426.93	53,818.91	
20	820,364.10	51,210.47	43,059.99	14,388.60	39,417.90	53,806.50	
21	820,142.23	51,195.29	43,045.91	14,385.21	39,408.67	39,408.67	
22	819,920.36	51,180.11	43,031.82	14,381.82	39,400.00	0.00	
Total	11,522,171.58	770,730.50	734,487.21	288,222.68	795,108.84	14,110,720.81	Cross Check

¹ Loan not closed-out so amort schedule is estimate

² Loan closed-out... final amort schedule

³ New Loan at 2.200%, 20 principal payments, Closing 6/13/2012, 1st Prin 05/1/2013 (SDWLP # 4845-05)

⁴ Originally issued with combined pledge of Electric & Water... City sold Electric utility and the State gave consent to remove the Electric Utility Revenue from these bonds.

Don Merkes

From: Liz Nevitt [liz@nevittlawoffice.com]
Sent: Friday, May 04, 2012 8:29 AM
To: Don Merkes
Cc: Tara Theisen
Subject: RE: Findlaw FirmSite Message From www.nevittlawoffice.com : Contact My Office

Mayor Merkes,

It is with great sadness that I am forced to resign from the Neenah-Menasha Fire Commission. I will be moving out of Menasha next month and, so, will no longer be a resident of Menasha. I have enjoyed my time working with the other commissioners on the Commission, as well with Chief Auxier and everyone at Neenah-Menasha Fire Rescue.

I wish all the best to the Commission and the local firefighters. Thank you for allowing me to serve the City of Menasha in this small way. Please confirm that you will have a new commissioner in place prior to the May meeting of the Commission, or whether I should still plan to attend this month's meeting.

Thank you, again, for everything!

Liz

Elizabeth J. Nevitt
Nevitt Law Office
P.O. Box 786
Neenah, WI 54957-0786
(920) 722-1200

Almeida T. John
401 Ahnaip St., Menasha, WI 54952
414-207-1979
almeidatjohn@yahoo.com

- Areas of Specialty**
- Employment Placement
 - Vocational Testing
 - Case Management
 - Employment Counseling
 - Recruiting
 - Motivational Speaking
-

Education **Bachelor of Arts in Human Services** *August, 2005- May, 2008*
(Minors: Psychology and Criminal Justice)
Springfield College, Springfield, Massachusetts

Experience **HUMAN SERVICES, Milwaukee, Wisconsin** *March, 2003- December, 2007*

- Employment Placement Specialist* *YWCA of Greater Milwaukee*
- Provided educational skills and vocational testing to program participants.
 - Networked with employers to create employment opportunities for our hard-to-serve client population.
 - Conducted background and reference reviews of program participants.

- Children First Program Coordinator* *MAXIMUS Inc.*
- Spoke before community organizations and neighborhood groups to establish a rapport between the community and the agency.
 - Provided case management services to court assigned program participants.
 - Provided employment counseling and supportive services to participants to aid with job placement and retention.

MARKETING, Chicago, Illinois *November, 2006- Present*

- Talent Coordinator CommonGround Inc.*
- Reviewed and accommodated hospitality and technical requirements of performing artists.
 - Corresponded with the appropriate media outlets to promote events.
 - Acted as an assistant to the artist/ management team to ensure that all contractual obligations were fulfilled.

- Operations Manager Dewalt-Langley Inc.*
- Organized and coordinated daily activities for PR and Marketing team.
 - Acted as a liaison between the company, the clients and the community.
 - Networked to create a new client population and expand the range of services offered.
-

- Community Service Activities**
- State Advisory Board for Urban Affairs(WI)
 - Advocated politically at the local level
 - MAXIMUS High program Motivational Speaker
 - Facilitator of budgeting, parental rights, Project Return and domestic violence workshops