

**CITY OF MENASHA  
COMMON COUNCIL  
Third Floor Council Chambers  
140 Main Street, Menasha  
Monday, September 17, 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. FC Auxier – LEED Silver Certification for NMFR Station 36
  2. Clerk Galeazzi - the following minutes and communications have been received and placed on file:  
Minutes to receive:
    - a. [Administration Committee, 9/4/12](#)
    - b. [Board of Public Works, 9/4/12](#)
    - c. [Joint Review Board, 9/6/12](#)
    - d. [Library Board, 8/16/12](#)
    - e. [Plan Commission, 9/11/12](#)
    - f. [Sustainability Board, 8/21/12](#)Communications:
    - g. [Public Works Facility, 8/12/12; July/August 2012 disposal violations report](#)
- 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, 9/4/12](#)  
Administration Committee, 9/4/12; recommends approval of:
  2. [Liability Insurance – Option 1 payment of CVMIC dividend to Menasha on March 1, 2013](#)
  3. [Counter offer #1 by buyer Trident Real Estate LLC, Lot 4 Midway Business Park at \\$45,000 and accept on or before September 30, 2012](#)
  4. [US Cellular Cell Phone Contract](#)
  5. [Variance request for Clean Water Fund Loan from Wisconsin Department of Administration for Neenah-Menasha Sewerage Commission Project No. N0008-910101.21](#)
- Board of Public, 9/4/12; recommends approval of:
6. [Street Use Application – MHS Homecoming Parade; Friday, October 5, 2012; 5:30 PM – 6:00 PM; \(Menasha High School\)](#)
  7. [Payment – Northeast Asphalt, Inc.; Contract Unit No. 2012-03; Street Reconstruction, Concrete Curb & Gutter, Asphalt Pavement; Paris Street/Manitowoc Street: \\$98,011.66 \(Payment No. 2\)](#)
  8. [Payment – MCC, Inc.; Contract Unit No. 2012-02; New Street Construction-Concrete Curb & Gutter; Kelly Lake Drive, South ½ of Woodland Hills Subdivision; \\$34,347.10 \(Payment No. 2\)](#)
  9. [Recommendation to Reject Bids – Contract Unit No. 2012-01; Midway Road Concrete Walk Construction](#)
- H. ITEMS REMOVED FROM CONSENT AGENDA

I. ACTION ITEMS

- a. Accounts payable and payroll for the term of 9/6/12 to 9/13/12 in the amount of \$699,580.16
- b. Amendment to Approval of City of Menasha participation in Neenah-Menasha Sewerage Commission building project on September 19, 2011 (U.S. Paper Mills, Inc. aka Sonoco guarantee)

J. ORDINANCES AND RESOLUTIONS

- a. R-34-12 Resolution Authorizing Execution of Agency Agreement between the Neenah-Menasha Sewerage Commission and the City of Neenah, City of Menasha, Town of Menasha, Town of Neenah Sanitary District No. 2 and Waverly Sanitary District of the Town of Harrison(recommended by Administration Committee)

K. APPOINTMENTS

L. HELD OVER BUSINESS

M. CLAIMS AGAINST THE CITY

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

O. ADJOURN

**MEETING NOTICE**

**Common Council – Monday, October 1, 2012**

Common Council - 6:00 pm

Administration Committee – 6:30 p.m.

Board of Public Works – 7:00 p.m.

CITY OF MENASHA  
ADMINISTRATION COMMITTEE  
Third Floor Council Chambers  
140 Main Street, Menasha  
September 4, 2012  
MINUTES

DRAFT

A. CALL TO ORDER

Meeting called to order by Chairman Klein at 7:35 p.m.

B. ROLL CALL/EXCUSED ABSENCES

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

EXCUSED: Alderman Englebert, Langdon

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Styka, DPW Radtke, CDD Keil, C/T Stoffel, Clerk Galeazzi and the Press.

C. MINUTES TO APPROVE

1. Administration Committee, 8/20/12

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

Motion carried on voice vote.

D. DISCUSSION/ACTION ITEMS

1. Liability Insurance – CVMIC Update/Renewal

CA/HRD Captain gave a brief update on the liability insurance. Action is needed on how the City wants CVMIC to pay their portion of the declared dividends. CA/HRD Captain is recommending Option 1 pay all dividends to City on March 1, 2013.

Moved by Ald. Krueger, seconded by Ald. Benner to recommend to Common Council Option 1 payment of CVMIC dividends to Menasha on March 1, 2013.

Motion carried on voice vote.

2. Offer to Purchase – Trident Real Estate LLC – Lot 4 Midway Business Park

CDD Keil provided a counter-offer received from Trident Real Estate LLC, which is affiliated with RJL Dental. They are looking to build a separate administrative office. The original offer was \$40,000. The City countered at \$50,000 based on the \$40,000 per acre asking price for lots in the business park. The Counter-Offer from them states a purchase price of \$45,000 and an acceptance of a waiver of the right of first refusal from CB Kidz. CB Kidz owner, Pat Gamsky, is ok with the waiver.

Moved by Ald. Sevenich, seconded by Ald. Krueger to recommend to Common Council Counter-Offer #1 by buyer Trident Real Estate LLC, Lot 4 Midway Business Park at \$45,000 and accept on or before September 30, 2012.

Motion carried on roll call 6-0.

3. Revisions to US Cellular Cell Phone Contract

C/T Stoffel explained the City falls under the State contract with US Cellular. The revisions to the contract will save the City approximately \$200 a month.

Moved by Ald. Krueger, seconded by Ald. Zelinski to recommend to Common Council approval of US Cellular Cell Phone Contract.

Motion carried on roll call 6-0.

4. Variance request for Clean Water Fund Loan from Wisconsin Department of Administration for Neenah-Menasha Sewerage Commission Project No. N0008-910101.21

Moved by Ald. Taylor, seconded by Ald. Sevenich to recommend to Common Council variance request for Clean Water Fund Loan from Wisconsin Department of Administration for Neenah-Menasha Sewerage Commission Project No. N0008-910101.21  
Motion carried on roll call 6-0.

5. Resolution Authorizing Execution of Agency Agreement between the Neenah-Menasha Sewerage Commission and the City of Neenah, City of Menasha, Town of Menasha, Town of Neenah Sanitary District No. 2 and Waverly Sanitary District of the Town of Harrison

Moved by Ald. Taylor, seconded by Ald. Sevenich to recommend to Common Council Resolution authorizing execution of Agency Agreement between the Neenah-Menasha Sewerage Commission and the City of Neenah, City of Menasha, Town of Menasha, Town of Neenah Sanitary District No. 2 and Waverly Sanitary District of the Town of Harrison.  
Motion carried on roll call 6-0.

#### E. ADJOURNMENT

Moved by Ald. Zelinski, seconded by Ald. Krueger to adjourn at 7:45 p.m.  
Motion carried on voice vote.

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

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CITY OF MENASHA  
Board of Public Works  
Third Floor Council Chambers  
140 Main Street, Menasha  
September 4, 2012  
MINUTES

DRAFT

A. CALL TO ORDER

Meeting called to order by Chairman Taylor at 7:47 p.m.

B. ROLL CALL/EXCUSED ABSENCES

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

EXCUSED: Alderman Englebert, Langdon

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Styka, DPW Radtke, CDD Keil, Clerk Galeazzi and the Press.

C. MINUTES TO APPROVE

1. August 20, 2012

Moved by Ald. Krueger, second by Ald. Zelinski to approve minutes.

Motion carried on voice vote.

D. ACTION ITEMS

1. Street Use Application – MHS Homecoming Parade; Friday, October 5, 2012;  
5:30 PM – 6:00 PM; (Menasha High School)

Moved by Ald. Krueger, seconded by Ald. Zelinski to recommend to Common Council Street Use Application for MHS Homecoming Parade, Friday Oct 5, 2012, 5:30-6:00 p.m.

Motion carried on voice vote.

2. Payment – Northeast Asphalt, Inc.; Contract Unit No. 2012-03; Street Reconstruction,  
Concrete Curb & Gutter, Asphalt Pavement; Paris Street/Manitowoc Street;  
\$98,011.66 (Payment No. 2)

DPW Radtke explained the project is almost complete except for a few minor items. Staff recommends approving the payment.

Moved by Ald. Krueger, seconded by Ald. Zelinski to recommend to Common Council payment to Northeast Asphalt Inc, Contract Unit No. 2012-03, Street Reconstruction concrete curb & gutter, asphalt pavement, Paris Street/Manitowoc Street, \$98,011.66.

Motion carried on roll call 6-0.

3. Payment – MCC, Inc.; Contract Unit No. 2012-02; New Street Construction-Concrete  
Curb & Gutter; Kelly Lake Drive, South ½ of Woodland Hills Subdivision; \$34,347.10  
(Payment No. 2)

DPW Radtke explained work has been completed on this part of the project. Staff recommends approving the payment.

Moved by Ald. Krueger, seconded by Ald. Zelinski to recommend to Common Council payment to MCC, Inc, Contract Unit No. 2012-02, New Street Construction, concrete curb & gutter, Kelly Lake Drive, South ½ of Woodland Hills Subdivision, \$34,347.10

Motion carried on roll call 6-0.

4. Request to Eliminate Street Light at 608 Eighth Street

Chairman Taylor explained staff has requested this item to be held until residents can be notified.

Moved by Ald. Klein, seconded by Ald. Zelinski to hold.  
Item held.

5. Recommendation to Reject Bids – Contract Unit No. 2012-01; Midway Road Concrete Walk Construction

DPW Radtke explained the two bids that were received on the Midway Road sidewalk project. There was a large price difference between the two bids with the high bid being much higher than the City estimate. The low bid was under the City estimate but had irregularities in the Bid, including failure to sign the Proposal and improper completion of the bid prices in the Proposal. Staff is recommending rejection of both bids and re-bid this project early in 2013. This will allow more time to finalize the inter-municipal agreement and acquire the necessary easements. Ald. Sevenich expressed disappointment with having to wait until 2013 to complete this needed project.

Moved by Ald. Krueger, seconded by Ald. Zelinski to recommend to Common Council to reject the bids for Contract Unit No. 2012-01, Midway Road Concrete Walk Construction. Motion carried on roll call 6-0.

6. Authorization to Execute Inter-Municipal Agreement with the Town of Menasha Regarding Midway Road Concrete Walk Construction

DPW Radtke explained Town of Menasha has received a draft copy of the inter-municipal agreement for the sidewalk project on Midway Road. CA Captain indicated she will be reviewing the draft language with the Town's attorney so this item could be held pending that review.

Moved by Ald. Sevenich, seconded by Ald. Krueger to hold.  
Item held.

E. ADJOURNMENT

Moved by Ald. Krueger, seconded by Ald. Zelinski to adjourn at 8:04 p.m.  
Motion carried on voice vote.

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

CITY OF MENASHA  
Winnebago County Joint Review Board  
1<sup>st</sup> Floor Conference Room, City Hall – 140 Main Street  
September 6, 2012  
DRAFT MINUTES

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**A. CALL TO ORDER**

The meeting was called to order at 2:05 PM by Acting Chairman Mayor Merkes.

**B. ROLL CALL/EXCUSED ABSENCES**

MEMBERS PRESENT: Joe Hotynski, Faith Scheidermayer, Mark VanDerZee and Mayor Merkes

MEMBERS ABSENT: D. Wally Bergstrom

OTHERS PRESENT: CDD Keil, PP Homan, CT Stoffel

**C. MINUTES TO APPROVE**

1. **Minutes of the August 7, 2012 Joint Review Board Meeting**

Motion by Faith Scheidermayer, seconded by Mark VanDerZee to approve the August 7, 2012 Joint Review Board 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. **Status Update on Proposed Tax Incremental District #13**

PP Homan reported that Alliance Industries is working through its project financing and stated that they have not completed certain provisions of the redevelopment agreement between Alliance and the city. The proposed TID 13 project plan will be advanced through the Common Council and Joint Review Board upon completion of the redevelopment agreement. Due to statutory requirements, the creation date will need to be adjusted to January 1, 2013.

**ACTION ITEMS**

1. **Review of the Public Record, Planning Documents, Resolutions, and Financial Data**

CDD Keil reviewed the public notice, financial information and Plan Commission and Common Council resolutions pertaining to the declaration of TID #1 as a distressed district and amendment of the TID #1 project plan related thereto. Board members discussed:

- Prospects for increment sharing between districts
- The feasibility of earlier payoff of TIF districts
- Impact of extending the district's life on the school district and other taxing entities

2. **Consideration of the City of Menasha Joint Review Board – Winnebago County Resolution 1-12 Approving Project Plan Amendment #2 to Tax Increment District #1**

Motion by Joe Hotynski, seconded by Faith Scheidermayer to approve Joint Review Board Resolution 1-12 Approving Project Plan Amendment #2 to Tax Increment District #1. The motion carried.

**G. ADJOURNMENT**

Motion by Joe Hotynski, seconded by Mark VanDerZee to adjourn at 2:25 p.m.

The motion carried.

*Minutes respectfully submitted by CDD Greg Keil.*

CITY OF MENASHA  
JOINT REVIEW BOARD – WINNEBAGO COUNTY  
RESOLUTION 1-12  
APPROVING PROJECT PLAN AMENDMENT #2 TO TAX INCREMENTAL DISTRICT #1

WHEREAS, on September 4, 2012 the City of Menasha Common Council adopted Resolution R-33-12 Amending the Project Plan for Tax Incremental District #1 pursuant to Wisconsin Statute 66.1105(4) (h)(1); and,

WHEREAS, on August 6, 2012 the City of Menasha Common Council adopted Resolution R-31-12 designating TID #1 as a Distressed Tax Incremental District pursuant to Wisconsin Statute 66.1105(4e)(1); and,

WHEREAS, a certified copy of Resolution R-31-12 designating TID #1 as a Distressed Tax Incremental District, and a copy of the financial data that the legislative body used in the adoption process has been reviewed by the Joint Review Board.

NOW THEREFORE, BE IT RESOLVED, the City of Menasha Joint Review Board-Winnebago County:

1. Determines that the designation of TID #1 as a distressed district is likely to enhance the ability of the city to pay its project costs within the time specified in Wisconsin Statute 66.1105(4e)(5)(d).
2. Approves Resolution R-31-12 Designating TID # 1 a Distressed Tax Incremental District.
3. Approves Resolution R-33-12, Amendment #2 to the TID #1 Project Plan for the purpose of designating TID # 1 as a Distressed Tax Incremental District.

Adopted this 6th day of September 2012.

 CDD  
\_\_\_\_\_  
Secretary  
Joint Review Board

**MINUTES OF REGULAR MEETING**  
**ELISHA D. SMITH PUBLIC LIBRARY TRUSTEES**  
**August 16, 2012**

**Call to order** at 4:01 p.m. by President Murray

Present: Crawmer, Eisen, Enos, Kiley, Murray, Nichols, Wicihowski, Webster (teen representative)

Absent: Kobylski

Also present: Director Lenz, K. Seefeldt (Office Manager), J. Bongers (Head of Adult Services)

**Public Comment**

Kathy Wicihowski passed along compliments she received from a resident recently. This individual shared how much she enjoyed coming to our library and emphasized how wonderfully our employees do their jobs.

**Approval of Teen Representative**

Motion to approve Ashley Webster as the teen representative on our Library Board of Trustees for 2012-2013 by Eisen, seconded by Wicihowski. Motion carried.

**Authorization of Bills**

Motion to authorize payment of the August list of bills from the 2012 budget as presented by Eisen, seconded by Crawmer, and carried unanimously.

**Consent Business**

The following Consent Business items were presented for the Board's consideration:

Approve minutes of the Library Board meeting of July 19, 2012

Accept minutes of the ad hoc Strategic Planning Committee meetings of June 18 and July 27, 2012

Accept minutes of the Buildings & Grounds Committee meeting of August 6, 2012

Nichols noted that the Strategic Planning Committee had not yet approved the minutes from their July 27, 2012 meeting.

Motion to approve the minutes of the Library Board meeting of July 19, 2012 and accept minutes of the Strategic Planning Committee of June 18 and the Building & Grounds Committee meeting of August 6, 2012 by Nichols, seconded by Wicihowski, and carried unanimously.

Ashley Webster entered the meeting at 4:15 p.m.

**Director's Report/Information Items**

1. July Statistics. Statistics this month revealed a healthy increase of 6.4% overall. Children's statistics were up 13.8%, while adult statistics were down .1% from the previous year.

2. Endowment Report and Investment Committee Report. Director Lenz reported the Investment Committee met recently to discuss investment strategies for the coming year. She also reported that we received the following recent donations to our endowment fund: \$20 meeting room donation, \$150 donation toward a Children's summer reading program concert from U.S. Venture/Express Convenience Center, \$50 toward paint for newly constructed teen book carts, \$493 (value) donation of construction materials for teen book carts and two \$25 donations in memory of Eleanor Buchanan.
3. Current Budget Status. At this point in time, the library's budget is 59.3 percent spent. Nichols asked the director to explain spending trends in several of our city accounts. Discussion ensued.
4. Staff Reports. The relocation of the Teen and Reference areas is under way. Some painting was done to brighten the new business center space. The historical files, as well as some furniture and equipment, have been moved to "The Work Place" area. Additional changes will continue to be made as the project progresses. Nichols recommended contacting the Chamber of Commerce and local Better Business Bureau to get their input on what services and materials for the new business center might be the most beneficial for residents within our community.
5. Hot days and possibly opening the library on Sunday. Director Lenz had previously suggested opening the library on Sundays with two staff members when the heat index is predicted to be above 90 degrees so that those without air conditioning would have a place to go, particularly if they have a health condition made worse by the heat. She had been directed by the Board to contact Sue Nett (Health Department), Police Chief Styka, and Mayor Merkes to get their feedback on doing this. Sue Nett and Chief Styka thought the idea was acceptable. Now that we are entering the fall months, extremely high heat indexes are no longer an issue so this may no longer be a concern. Community resident John Nebel conveyed through Board member Wichowski that he is not in favor of using the library as a shelter to the homeless. In his opinion, its primary use should be for culture and learning. He opposes opening the library on normally closed days for this reason.
6. Long Range Plan Committee report. Committee members have agreed to create a five-year plan as this will allow for greater accuracy in tracking library trends. They continue to work systematically through the planning process.
7. Personnel and Policies Committee report. The committee continues to work on updating the Personnel chapter of the library's policy manual.
8. Building and Grounds Committee meeting: This committee met recently with Building Supervisor Adam Alix. He provided his assessment of building and grounds needs for the coming year. Minutes from that meeting which contain more detailed information were included in the Board's monthly meeting packet.
9. Finance Committee Report. The Finance Committee met on August 15 to review Director Lenz's 2013 budget proposal. Mayor Merkes attended the meeting. It was agreed that Director Lenz would prepare alternate budget proposal options for the committee to consider at their next meeting.

**Discussion Action Items**

10. Approve 2013 budget request to the mayor. This item was tabled and will be addressed at a future meeting.

**Announcements**

11. Trustee Essentials Chapter Three. Nichols reviewed the chapter on by-laws and organizing the board for effective action. Crawmer volunteered to review chapter four at the next meeting.
12. A "Library Trustee 101 Workshop" will be held at Coloma Public Library October 4 or at North Fond du Lac Library on October 8. New board members were encouraged to attend.

**Adjournment**

Motion to adjourn the meeting at 4:47 p.m. by Eisen, seconded by Kiley and carried unanimously.

Respectfully submitted,  
Kris Seefeldt, Recording Secretary

**CITY OF MENASHA**  
**Plan Commission**  
**Council Chambers, City Hall – 140 Main Street**  
**September 11, 2012**  
**DRAFT MINUTES**

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**A. CALL TO ORDER**

The meeting was called to order at 4:35 PM by Mayor Merkes.

**B. ROLL CALL/EXCUSED ABSENCES**

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

PLAN COMMISSION MEMBERS EXCUSED: Commissioner Cruickshank and Ald. Benner

PLAN COMMISSION MEMBERS ABSENT: None

OTHERS PRESENT: CDD Keil, PP Homan and Don Snyder

**C. MINUTES TO APPROVE**

1. **Minutes of the August 21, 2012 Plan Commission Meeting**

Motion by Comm. Schmidt, seconded by DPW Radtke to approve the August 21, 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. **Digital Billboards**

CDD Keil summarized the information presented in a memorandum and supporting documentation concerning the following aspects of electronic billboards:

- Location
- Size
- Height
- Spacing
- Illumination
- Mitigation

Plan Commissioner's discussed various aspects of the above and requested that staff prepare ordinance language that would amend the existing signage ordinance to allow electronic billboards in the STH 441 corridor subject to specific limitations on the above noted criteria. Don Snyder, from NextMedia commented on several technical aspects of electronic billboards and criteria employed by some other communities in regulating them.

2. **Garage Requirements**

PP Homan stated that in response to inquiries from constituents Ald. Langdon scheduled a meeting with staff to discuss the implications of requiring a garage in conjunction with issuing a building permit for a new dwelling. The primary concern was to have enclosed space to store various household and lawn care items to avoid clutter in outdoor yard areas. PP Homan distributed a listing of the responses she received to an inquiry made to other Fox Valley communities regarding garage requirements. Only Green Bay had an ordinance that requires garages along with new dwelling units

Plan Commissioners discussed:

- The number and location of dwellings being built without garages

- The prospects for and timing of garages being built after the new dwelling was occupied
- Impacts such a requirement may have on house design, particularly on narrow lots
- The impacts such a requirement may have on housing affordability
- The prevalence of housing units without garages in older neighborhoods
- The absence of such requirements in nearly all other Fox Valley communities

It was the consensus of the Plan Commission that staff should not pursue drafting ordinance language to require garages for new dwellings at the present time due to potential negative consequences, the relatively small number of homes being built without garages, and the lack of such requirements in nearly all other communities.

#### **ACTION ITEMS**

1. None

#### **G. ADJOURNMENT**

Motion by Comm. Schmidt, seconded by Comm. Sturm to adjourn at 4:30 p.m.

The motion carried.

*Minutes respectfully submitted by CDD Greg Keil.*

CITY OF MENASHA  
SUSTAINABILITY BOARD  
Common Council Chambers  
140 Main Street, Menasha

Tuesday, August 21, 2012

Minutes

A. CALL TO ORDER

Meeting called to order by Linda Stoll at 6:35 p.m.

B. ROLL CALL/EXCUSED ABSENCES

Present: Linda Stoll, Paul Van de Sand, Roger Kanitz, Danielle Humski

Also Present: Bill Beachkofski, Mayor Merkes

Excused: Chris Bohne, Ed Kassel, Kathy Thunes

C. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THE SUSTAINABILITY BOARD

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

No one spoke

D. MINUTES TO APPROVE

1. Sustainability Board minutes, June 19, 2012

Motion made by Rodger Kanitz and seconded by Linda Stoll to approve the minutes of the June 19, 2012 Meeting, Motion carried.

E. COMMUNICATIONS

1. East Central Wisconsin Regional Planning Commission Groundwater Workshop – Linda Stoll attended

2. Sustainable Fox Valley event information: The Big Green – sustainable music festival – Rodger Kanitz attended

3. **The board requested that they receive copies of the plan commission minutes as a communication and that the plan commission receive their minutes as a communication**

F. REPORTS

1. Paul Van de Sand reported that he attended a clean cities program regarding new federal standards on vehicle idling that will apply to municipalities and bio fuel programs, he will forward information to the city.

2. Rodger Kanitz reported that he will be attending training regarding use of the joint sustainability website.

3. Mayor Merkes reported that he met with UW Fox Dean Ruud and the UW Fox trustees regarding UW Fox becoming a tree campus through the Arbor Day foundation. The dean is exploring the requirements and how it would relate to the campus sustainability program and potentially their certificate in sustainably program.

4. Mayor Merkes reported that Adam Alix met with Paul Van de Sand and Lisa Miotke regarding utility incentives available towards capital projects in the 2013 budget process. As part of the discussion Lisa Miotke took light level readings throughout city hall to identify locations for occupancy sensors and light sensors.

G. ACTION ITEMS

1. City of Menasha recycling event, October 13<sup>th</sup> 2012 – Discussion regarding finalizing the poster and date, potentially joining with other communities for promotion of their events as well for greater citizen opportunities to recycle.

## H. DISCUSSION

1. Waste Management – UW Fox is exploring the possibility of partnering with the city to conduct survey work to increase recycling in the community. Students may be able to help with research as to what is / is not being recycled and why as well as research on what other communities have done to increase recycling in their communities. The cost savings of reduced landfill fees was noted with increased recycling, and that Menasha was in the middle of Winnebago County communities for recycling and there was room for growth in recycling participation.
2. Complete Streets – Maps were not updated at this time. Discussion regarding pedestrian crossing signs in neighboring communities and that signs should be considered at Broad & Racine and Broad & Tayco to better facilitate crossings at popular Friendship Trail crossing points. **The board recommended purchasing one sign with budgeted board funds, and requesting a matching donation from another non-profit.**

Mayor Merkes reported that bike lanes have been installed on Appleton Road / De Pere Street corridor as part of Activate Fox Cities initiative. Mayor Merkes reported that Midway Road sidewalks would not be installed until spring due to bidding irregularities. Mayor Merkes reported that there may be an opportunity for a partnership with Fox Cities Greenways for Menasha to be a test case for sharrows.

3. Neighborhood Electric Vehicle Ordinance – Recommendation that Menasha enact an ordinance the same as the Town of Menasha or Appleton to maintain connectivity within the area. **The board requested a sample ordinance for the next meeting for formal recommendation.**

## I. ADJOURNMENT

Motion made by Paul Van de Sand and seconded by Rodger Kanitz to adjourn at 7:55 p.m.  
Motion carried.

Respectfully Submitted by Mayor Merkes



CITY OF MENASHA  
COMMON COUNCIL  
Third Floor Council Chambers  
140 Main Street, Menasha  
Tuesday, September 4, 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, Benner, Klein

EXCUSED: Alderman Englebert

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Styka, FC Auxier, DPW Radtke, CDD Keil, C/T Stoffel, PRD Tungate, LD Lenz, Atty. John Thiel, Randy Much (NMSC), Clerk Galeazzi, and the Press.  
DEPT. HEAD EXCUSED: PHD Nett

D. PUBLIC HEARING

1. Proposed City of Menasha Year 2030 Comprehensive Plan amendment

CDD Keil explained the amendments to the comprehensive plan.

No one from the public spoke.

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

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

Rebecca Nichols, 402 Elm Street, Menasha. Thanked the City departments who participated in the Doty Island Development Council picnic.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

1. NM Sewerage Commission Update – Randy Much

Randy Much and Atty. John Thiel updated the Council on the status of the regional sewage treatment plant. The interim financing NMSC obtained when the project started will be coming due in December 2012 and the Clean Water financing will not be in place until January 2013.

Moved by Ald. Benner, seconded by Ald. Langdon to Adjourn into Closed Session at 6:15 p.m. pursuant to Wisconsin Statutes 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public fund or conducting other specified public business, whenever competitive or bargaining reasons require a closed session (US Paper Mills/Sonoco)

Motion carried on roll call 7-0.

2. Motion to reconvene into Open Session

Moved by Ald. Krueger, seconded by Ald. Benner to reconvene into Open Session at 6:55 p.m.

Motion carried on voice vote.

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

Minutes to receive:

- a. Administration Committee, 8/20/12
- b. Board of Public Works, 8/20/12
- c. Board of Health, 6/13/12
- d. Committee on Aging, 7/12/12
- e. NM Fire Rescue Joint Finance and Personnel, 8/28/12
- f. NM Fire Rescue Joint Fire Commission, 8/29/12
- g. NM Sewerage Commission, 7/24/12
- h. Parks and Recreation Board, 8/13/12
- i. Plan Commission, 8/21/12
- j. Redevelopment Authority, 5/1/12, 8/23/12
- k. Safety Committee, Public Works/Parks, 7/24/12
- l. Water & Light Commission, 7/25/12, 8/22/12

Communications:

- m. WI Dept. of Administration, 8/20/12; Incorporation of a portion of Town of Harrison, Calumet County and Buchanan, Outagamie County, Wisconsin, as a village Calumet County Circuit Court Case No. 2012CV28
- n. Comp Stoffel, 8/25/12; Refinancing wrap up
- o. Customers First!, The Wire newsletter, August 2012
- p. Menasha Historical Society Newsletter, August 2012
- q. Robert Mittelstaedt, Alliance Industries to PP Homan, 8/21/12; IDB loan
- r. PP Homan, 8/28/12; Status Update on lake Park Development Activity

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

Discussion: Ald. Sevenich (Comm. N-C/T Stoffel, Refinancing wrap up), congratulated C/T Stoffel and his staff for the handling of refinancing outstanding debt to save the City money.

Ald. Klein (Comm. Q-Alliance Industries IDB Loan), discussed other financing Alliance Industries will be securing.

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, 8/20/12
- 2. Joint Common Council and Menasha Utilities, 8/22/12

Administration Committee, 8/20/12; recommends approval of:

- 3. NMFR Station 36, 901 Airport Road, Counter-offer to Endter Investment for \$125,000, property as is, city to do environmental, occupancy should be within six months of purchase, respond to counter-offer within two weeks and same terms as FP One.

Board of Public, 8/20/12; recommends approval of:

- 4. Street Use Application – Community First Fox Cities Marathon; Sunday, September 23, 2012; 6:00 AM – 2:00 PM ( Community First Credit Union)
- 5. Street Use Application – SMC Homecoming Parade; Friday, October 5, 2012; 5:00 PM – 6:00 PM (St. Mary Central HS)
- 6. Payment – Northeast Asphalt, Inc.; Contract Unit No. 2012-03; Street Reconstruction, Concrete Curb & Gutter, Asphalt Pavement; Paris Street/Manitowoc Street; \$96,029.12 (Payment No. 1)

Plan Commission, 8/21/12; recommends approval of:

- 7. Circle of Friends – Province Terrance - CSM with the condition that an easement release be obtained from the grantees of the existing utility easement between lots 16 and 17 of the Province Terrace plat.

NM Fire Joint Finance and Personnel Committee, 8/28/12 recommends approval of:

- 8. Acknowledging the Purchase order \$6,900.30 is the correct amount for purchase order #12-65 and purchase order #94 in the amount of \$6,090.50 is not the correct amount, which is a difference of \$809.80.
- 9. Filling the vacated firefighter position after Shift Commander Flunker retires on October 23, 2012.
- 10. Acceptance of the Regional smoke detector grant of \$52,630.00 with NMFR's required portion of the matching fund be \$767.48. The Memorandum of Understanding will be approved pending final review and approval by both City legal councils.
- 11. Accept the FEMA AFG Rehab Grant totaling \$25,051.10. NMFR's required 25% match of \$6,262.78 will be funded through NMFR's All Other Equipment account/line (#8133)
- 12. The purchase of five (5) Masimo Rad-57 with CO units at a cost of \$3,851.00 per unit, for a total of \$19,255.00 plus shipping of \$55.00 totaling \$19,310.00. Approve the purchase of one (1) #RHK3000 Core Warming Package from DQE at a price of \$1,138.10 plus shipping. Approve the purchase of two (2) #RHK2000 Core Cooling packages from DQE at a price of \$1,480.00 each for a total of \$2,960.00 plus shipping. Purchase of 1 package #RHK1000 Rehab Shelter Package from DQE at a price of \$1,395.00 plus shipping for a grand total of \$25,051.10, which includes shipping costs.

DRAFT

13. The AFG Cascade System grant for a total of \$24,289.86 with NMFR's required 25% match of \$6,072.47 will be funded through NMFR's All Other Equipment account/line (#8133) and approve purchasing the system from Resolve Specialty Products, LLC for a total of \$24,289.86

Ald. Krueger requested item 3 be removed from Consent Agenda.

Ald. Klein requested items 10, 11, 12, 13 be removed from Consent Agenda.

Moved by Ald. Sevenich, seconded by Ald. Krueger to approve Consent Agenda Items 1, 2, 4, 5, 6, 7, 8, 9.  
Motion carried on roll call 7-0.

#### H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Ald. Zelinski, seconded by Ald. Sevenich to approve Consent Agenda Item 3, (NMFR Station 36, 901 Airport Road Counter-offer to Endter Investment).

Ald. Krueger stated he will be abstaining.

CA/HRD Captain recommended removing any reference to "or assigns". This wording allows for Endter Investments to assign their interest to someone else.

Moved by Ald. Sevenich, seconded by Ald. Zelinski to amend to remove "or assigns" from the offer.

Motion on amendment carried on voice vote.

Motion as amended carried on roll call 5-1.

Ald. Klein, Taylor, Sevenich, Langdon, Zelinski – yes

Ald. Benner – no

Ald. Krueger - abstained

Moved by Ald. Klein, seconded by Ald. Sevenich to approve Consent Agenda Item 10 (Acceptance of the regional smoke detector grant), Item 11 (Accept the FEMA AFG Rehab Grant), Item 12 (Purchase of five Masimo Rad-57 with CO units, purchase of one #RHK3000 Core Warming package from DQE, purchase of two #RHK2000 Core Cooling packages from DQE, purchase of one package #RHK1000 Rehab Shelter package from DQE), Item 13 (AFG Cascade System grant)

FC Auxier explained the grants obtained and what the funds will be used for. The regional smoke detector grant was different from the other grants.

Motion to approve Item 10 (regional smoke detector grant) carried on roll call 7-0.

Motion to approve Item 11 (Accept the FEMA AFG Rehab Grant), Item 12 (Purchase of five Masimo Rad-57 with CO units, purchase of one #RHK3000 Core Warming package from DQE, purchase of two #RHK2000 Core Cooling packages from DQE, purchase of one package #RHK1000 Rehab Shelter package from DQE), Item 13 (AFG Cascade System grant) carried on roll call 7-0.

#### I. ACTION ITEMS

1. Accounts payable and payroll for the term of 8/21/12 to 8/30/12 in the amount of \$927,231.10

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

Discussion ensued on expenditures.

Motion carried on roll call 7-0.

2. Alcohol Beverage License Application, Class B Beer, Beyer Properties, LLC, d/b/a Fox Cinema, 400 Third Street, Menasha, Vicki L. Beyer, agent, for the 2012-2013 licensing year.

Moved by Ald. Klein, seconded by Ald. Krueger to approve alcohol beverage license application.

Motion carried on roll call 7-0.

3. Authorization to apply for Traffic Enforcement Grant 2012-13 for Police Department.

Moved by Ald. Klein, seconded by Ald. Krueger to approve authorization to apply for Traffic Enforcement Grant.

Motion carried on roll call 7-0.

#### J. ORDINANCES AND RESOLUTIONS

1. O-14-12 – An Ordinance Amending the City of Menasha Year 2030 Comprehensive Plan

Moved by Ald. Sevenich, seconded by Ald. Benner to adopt O-14-12.

Discussion ensued on the amendments to the plan.

Motion carried on roll call 7-0.

# DRAFT

K. APPOINTMENTS

None

L. HELD OVER BUSINESS

1. Approval of Common Council Minutes 8/6/12 (held 8/20/12)

Moved by Ald. Sevenich, seconded by Ald. Krueger to approve Common Council minutes 8/6/12

Moved by Ald. Sevenich, seconded by Ald. Taylor to amend the minutes to include in item F3,

Ald. Sevenich supports the purchase of a code enforcement vehicle but questioned whether protocol was being followed and if Council approval should be needed considering this was not in the capital budget of the Police Dept.

Motion on amendment carried on roll call 7-0.

Motion as amended carried on roll call 7-0.

M. CLAIMS AGAINST THE CITY

None

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

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

No one spoke.

O. ADJOURN

Moved by Ald. Sevenich, seconded by Ald. Krueger to adjourn at 7:30 p.m.

Motion carried on voice vote.

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

Approved by Wisconsin Department of Regulation and Licensing  
11-1-09 (Optional Use Date) 3-1-10 (Mandatory Use Date)

**WB-44 COUNTER-OFFER**

Counter-Offer No. 1 by (Buyer/Seller) **STRIKE ONE**

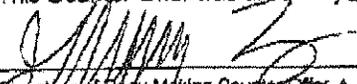
1 The Offer to Purchase dated 8/20/2012 and signed by Buyer Trident Real Estate LLC  
2 for purchase of real estate at Lot 4 of CBM 6484 (Midway Business Park), Menasha, WI  
3 is rejected and the following Counter-Offer is hereby made. All terms and conditions remain the same as stated in the  
4 Offer to Purchase except the following: [CAUTION: This Counter-Offer does not include the terms or conditions in  
5 any other Counter-Offer unless incorporated by reference.]

- 6 1. Items No. 2 through 6 of Counter-Offer No. 1 by Seller are incorporated herein by reference.
- 7 2. Item No. 7 of Counter-Offer No. 1 by Seller is modified hereby to provide that the Offer is contingent upon Seller obtaining a written waiver of
- 8 the subject right-of-first-refusal in favor of CB Kidz, LLC within ten (10) days of acceptance. If a written waiver is not obtained by Seller and
- 9 provided to Buyer within such 10-day time period, Buyer shall be permitted to declare the Offer null and void within twenty (20) days of Buyer's
- 10 Actual Receipt of the subject right-of-first-refusal of CB Kidz, LLC with respect to the Property. If Seller fails to deliver such right-of-first-refusal
- 11 to Buyer within the aforesaid 20-day period or if Buyer is unable to secure a written waiver by CB Kidz, LLC within such 20-day period after its
- 12 Actual Receipt of the right-of-first-refusal, then the Offer shall be null and void.
- 13 3. Purchase Price to be Forty-Five Thousand and NO/100 Dollars (\$45,000.00).

30 Any warranties, covenants and representations made in this Counter-Offer survive the closing of this transaction.  
31 This Counter-Offer is binding upon Seller and Buyer only if a copy of the accepted Counter-Offer is delivered to the Party  
32 making the Counter-Offer on or before Friday, September 7, 2012 at 12:00 noon (Time is of the  
33 Essence). Delivery of the accepted Counter-Offer may be made in any manner specified in the Offer to Purchase, unless  
34 otherwise provided in this Counter-Offer.

35 NOTE: The Party making this Counter-Offer may withdraw the Counter-Offer prior to acceptance and delivery as  
36 provided at lines 31 to 34.

37 This Counter-Offer was drafted by Attorney Robert N. Dulmatra, Morn Law Firm, Ltd., Appleton, WI on August 30, 2012  
38 Licensee and Firm ▲ Date ▲

39 	<u>9.4.12</u>	Signature of Party Making Counter-Offer ▲	Date ▲
40 Print name: <u>Jeffrey R. Lang, Member</u>	Date ▲	Print name	Date ▲

42	Signature of Party Accepting Counter-Offer ▲	Date ▲	Signature of Party Accepting Counter-Offer ▲	Date ▲
44	Print name		Print name	

46 This Counter-Offer was presented by \_\_\_\_\_ on \_\_\_\_\_  
48 Licensee and Firm ▲ Date ▲

47 This Counter-Offer is (rejected) (countered) **STRIKE ONE** (Party's initials) \_\_\_\_\_ (Party's initials) \_\_\_\_\_

48 NOTE: Provisions from a previous Counter-Offer may be included by reproduction of the entire provision or  
49 incorporation by reference. Provisions incorporated by reference may be indicated in the subsequent Counter-Offer  
50 by specifying the number of the provision or the lines containing the provision. In transactions involving more than  
51 one Counter-Offer, the Counter-Offer referred to should be clearly specified.

52 NOTE: Number this Counter-Offer sequentially, e.g. Counter-Offer No. 1 by Seller, Counter-Offer No. 2 by Buyer, etc.

# McMAHON

ENGINEERS ARCHITECTS

June 29, 2012

Mayor Don Merkes  
City of Menasha  
140 Main Street  
Menasha, Wi 54952

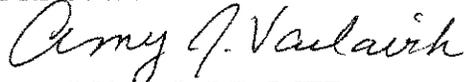
Re: Variance Request for Clean Water Fund Loan  
Neenah Menasha Sewerage Commission  
McM. No. N0008-910101.21

Dear Mayor Merkes:

Normally Communities that obtain funding through the Clean Water Fund (CWF) issue tax-exempt bonds or notes. Due to the fact that U.S. PaperMills, Inc. is a contract customer of the Neenah-Menasha Sewerage Commission tax-exempt bonds cannot be issued because the IRS would view this as benefiting a private entity. Tax exempt bonds or notes cannot be issued to private entities. Each member community needs to submit a Variance Request to the Department of Administration (DOA) to be allowed to issue taxable, rather than tax-exempt bonds or notes to the State in evidence of the CWF. This change will not impact the interest rate of the CWF borrowing. In the past the DOA has readily issued these variances.

The attached letter has been developed with the assistance of Rebecca Speckhard, Quarles & Brady. Formal action is not required by your governing board for this request to be processed. It is requested that this letter be submitted to the DOA by July 31, 2012. Thank you for your assistance. Please call myself or Rebecca Speckhard if there are questions.

Very truly yours,  
McMAHON



Amy J. Vaclavik, P.E., BCEE  
Associate / Sr. Project Engineer

Enclosure

cc: Tom Stoffel, Comptroller – City of Menasha  
Roger Voigt, NMSC  
Rebecca Speckhard, Quarles & Brady  
Raymond Zielinski, NMSC  
Kathy Bauer, NMSC

July , 2012

Mr. Mike Huebsch, DOA Secretary  
Department of Administration, 10th Floor  
P. O. Box 7864  
Madison, WI 53707-7864

RE: Variance Request for City of Menasha Clean Water Fund Loan

Dear Secretary Huebsch:

The City of Menasha plans to file an application for a Clean Water Fund (CWF) Loan in the approximate amount of \$5,575,700 to fund improvements to the Neenah-Menasha Sewerage Commission's (the "Commission") wastewater treatment plant. The Cities of Menasha and Neenah, the Town of Menasha, the Town of Neenah Sanitary District #2 and the Waverly Sanitary District constitute the active members of the Commission. These improvements are required to replace the aging equipment and maintain treatment capacity to ensure long-term economic viability of the area served by the Commission. Pursuant to Wisconsin Administrative Code Section Adm. 35.09, the City of Menasha requests a variance to allow it to issue taxable, rather than tax-exempt revenue bonds to the State in evidence of the CWF Loan.

The Commission is engaged in negotiating an amended service agreement with an industrial user, U.S. Paper Mills, Inc. (U.S. Paper) whose usage accounts for approximately 17 % of the capacity of the wastewater treatment plant. Several members of the Commission have asked that U.S. Paper guarantee its capital share of the project expenses under the service agreement. The Commission has, in the past, used such an agreement with its large industrial users to ensure that such user pays for the portion of the treatment plant that is allocable to its expected use even if the industry closes its operations. The members of the Commission desire to afford that level of financial protection to their residents and customers. The City of Menasha is advised by bond counsel that the take-or-pay nature of the proposed agreement will cause the bonds issued to the State to be taxable.

If the City of Menasha is unable to issue taxable obligations to the Clean Water Fund Program, the members of the Commission, including the City of Menasha and their residents will suffer significant financial hardship. Either the Commission will have to forego the guarantee under the industrial agreement, in which case the other users of the Commission's sewer system, including those in the City of Menasha, would have to pay the industrial user's share of the cost of this project if for any reason the industry closed down or relocated; or alternatively, the Commission would have to sell taxable obligations on the commercial market, which would result in an increased cost to the users of the Commission's sewer system.

Mr. Mike Huebsch, DOA Secretary  
July , 2012  
Page 2

The potential effect on the City's sewer rate payers of either of the options described above is very significant. Without an industrial contract in place, the average charges to the member communities could increase approximately 25% to 40%. We are also concerned that passing along the increased costs of non-CWF taxable financing to the industrial user may jeopardize the financial viability of its operations in layoffs and plant closings; and therefore, we want to do all we can to not add any additional costs to the industrial user that are not absolutely necessary. U.S. Paper is one of the area's major employers with approximately 105 employees.

The City of Menasha respectfully requests that a variance be granted to allow it to issue taxable obligations to the State Clean Water Fund Program for this project.

Sincerely,

Mayor Don Merkes

cc: Aaron Heintz, Department of Administration  
Roger Voigt, NMSC  
Amy Vaclavik, McMAHON

## CITY OF MENASHA DISBURSEMENTS

Accounts Payable for 9/6/12-9/13/12 Checks # 34721-34850	\$ 536,292.84
Payroll Checks for 9/6/12	<u>163,287.32</u>
Total	\$ 699,580.16

Medical Expense Reimbursement Trust-Retirement Pay Out

Menasha Employees Credit Union-Employee Deductions

United Way-Employee Donations

Wisconsin Support Collections-Child/Spousal Support

WI SCTF-Child Support Annual Fee

\*\*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: 9/6/2012**

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
AAA SANITATION INC	34721	9/6/2012	178228	100-0703-553.20-09	115.00	Handicap Portable ToiletsBrighton Beach
		9/6/2012	178229	100-0703-553.20-09	115.00	Handicap Portable ToiletsJefferson Park
			<b>Total for check: 34721</b>		<b>230.00</b>	
ACCURATE	34722	9/6/2012	1211949	731-1022-541.30-18	82.40	Washers/Hex Nut/Misc
		9/6/2012	1211974	731-1022-541.38-03	60.80	Lug Lock
		9/6/2012	1212145	731-1022-541.30-18	11.30	Clevis Pin
		<b>Total for check: 34722</b>		<b>154.50</b>		
JF AHERN CO	34723	9/6/2012	168758	731-1022-541.21-06	112.90	Fire Ext
			<b>Total for check: 34723</b>		<b>112.90</b>	
ASSESSMENT TECHNOLOGIES LLC	34724	9/6/2012	3853	743-0403-513.24-04	5,272.00	Marketdrive Upgrade
			<b>Total for check: 34724</b>		<b>5,272.00</b>	
ASSOCIATED BAG COMPANY	34725	9/6/2012	N54448	100-0909-531.30-18	35.83	Poly Bag
			<b>Total for check: 34725</b>		<b>35.83</b>	
BADGER HIGHWAYS CO INC	34726	9/6/2012	157818	100-1003-541.82-02	15,896.38	Hotmix Asphalt
		9/6/2012	157859	100-1003-541.30-18	198.01	Hotmix Asphalt
		9/6/2012		479-1010-541.30-18	8.40	Sand
		<b>Total for check: 34726</b>		<b>1,859.40</b>	<b>17,962.19</b>	
BAYCOM INC	34727	9/6/2012	68946	100-0801-521.29-05	58.00	CBL w/Installation Kit
			<b>Total for check: 34727</b>		<b>58.00</b>	
BERGSTROM	34728	9/6/2012	121713	731-1022-541.38-03	90.00	Guard Pks

## AP Check Register

### Check Date: 9/6/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
BERGSTROM...	34728...	9/6/2012	216278	731-1022-541.29-04	659.49	Service
			Total for check: 34728		749.49	
BORSCHKE ROOFING PROFESSIONALS	34729	9/6/2012	18791	100-1001-514.24-03	1,456.00	Proposal P05120253
			Total for check: 34729		1,456.00	
BROCKMAN, ERIC	34730	9/6/2012	BROCKMAN, ERIC	100-0000-201.10-00	100.00	Exc Permit 10803 Deposit
			Total for check: 34730		100.00	
BUBRICK'S	34731	9/6/2012	630083	100-0801-521.30-10	64.59	Office Supplies
			Total for check: 34731		64.59	
CDW GOVERNMENT INC	34732	9/6/2012	P274567	100-0801-521.30-18	7.80	Blank DVDs
			Total for check: 34732		7.80	
CRESCENT ELECTRIC SUPPLY COMPANY	34733	9/6/2012	087-405369-00	100-0703-553.24-03	122.80	Lamps
		9/6/2012	08740090100	731-1022-541.24-03	11.99	
			Total for check: 34733		134.79	
CULLIGAN WATER CONDITIONING	34734	9/6/2012		731-1022-541.24-03	220.00	Cooler
			Total for check: 34734		220.00	
EVANS TITLE COMPANIES	34735	9/6/2012		263-0306-562.70-01	6,500.00	CDBG Program
			Total for check: 34735		6,500.00	
EWALD CHEVROLET BUICK LLC	34736	9/6/2012	6287	741-0000-193.00-00	33,465.00	2012 Utility Vehicle
			Total for check: 34736		33,465.00	

**AP Check Register**  
**Check Date: 9/6/2012**

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description	
FACTORY MOTOR PARTS CO	34737	9/6/2012	18-1144045	731-1022-541.38-03	255.99	255.99 Spark Plugs/Ignition Coil	
	<b>Total for check: 34737</b>					<b>255.99</b>	
	FERGUSON WATERWORKS #1476	34738	9/6/2012	0117486	479-1010-541.30-18	261.10	261.10 M/Hole & Lid
		9/6/2012	0117518	479-1010-541.30-18	251.33	251.33 M/Hole & Lid/Kernan	
		9/6/2012	0117782	601-1020-543.30-18	252.00	252.00 Jt Seats	
				625-1010-541.30-18	252.00	252.00 Jt Seats	
<b>Total for check: 34738</b>					<b>1,016.43</b>		
FOX VALLEY TECHNICAL COLLEGE	34739	9/6/2012	120209890	100-0801-521.34-02	250.00	250.00 Student ID 120209880 Christopher Groeschel	
	<b>Total for check: 34739</b>					<b>250.00</b>	
FOX VALLEY TRUCK	34740	9/6/2012	499726	731-1022-541.38-03	25.64	25.64 Switch	
	<b>Total for check: 34740</b>					<b>25.64</b>	
DEBBIE GALEAZZI	34741	9/6/2012		100-0203-512.34-03	343.00	343.00 Conference & Meal Expense	
	<b>Total for check: 34741</b>					<b>343.00</b>	
GAT SUPPLY INC	34742	9/6/2012	9225	100-1009-541.30-18	264.95	264.95 Mats	
				100-1003-541.30-18	264.95	264.95 Mats	
	<b>Total for check: 34742</b>					<b>529.90</b>	
GLOCK PROFESSIONAL INC	34743	9/6/2012	TRP/100031014	100-0801-521.34-02	195.00	195.00 Armorer's Course/Lenss	
	<b>Total for check: 34743</b>					<b>195.00</b>	
GUNDERSON UNIFORM & LINEN RENTAL	34744	9/6/2012	1469192	100-0801-521.30-13	31.39	31.39 Towels/Mats	
	<b>Total for check: 34744</b>					<b>31.39</b>	

**AP Check Register**  
**Check Date: 9/6/2012**

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
HORST DISTRIBUTING INC	34745	9/6/2012	22015-000	731-1022-541.38-03	33.96	Deck & Spacer Wheels
				<b>Total for check: 34745</b>	<b>33.96</b>	
				<b>Total for check: 34746</b>	<b>135.00</b>	
INTERNATIONAL INSTITUTE OF	34746	9/6/2012		100-0203-512.32-01	135.00	Annual Membership
KAEMPFER & ASSOCIATES INC	34747	9/6/2012	16559	601-1020-543.21-02	732.55	E145-01.07 Sewer User Monitoring
		9/6/2012	16560	601-1020-543.21-02	154.22	E145-07.01/Weather Flow Compliance Schedule
		9/6/2012	16561	601-1020-543.21-02	3,178.68	E145-08.03/9th St Lift Station/Prelim Desig
		9/6/2012	16562	601-1020-543.21-02	1,717.85	E145-08.04/9th St Lift Station/Design Servi
		9/6/2012	16563	601-1020-543.21-02	154.22	Phase 4/Project Manage
		9/6/2012	16564	601-1020-543.21-02	656.54	Phase 4/Const-Related Ser
		9/6/2012	16565	601-1020-543.21-02	656.17	Phase 4-1/Project Manage
		9/6/2012	16566	601-1020-543.21-02	553.27	Phase 4-1/Sewer Televis
		9/6/2012	16567	601-1020-543.21-02	799.32	Phase 4-1/Report Prep
				<b>Total for check: 34747</b>	<b>8,602.82</b>	
LANGLADE COUNTY CLERK OF COURTS	34748	9/6/2012		100-0000-201.03-00	536.00	Bond/MPD 12-2751
			<b>Total for check: 34748</b>	<b>536.00</b>		
LEVENHAGEN CORPORATION	34749	9/6/2012	046916A-IN	100-0000-131.00-00	18,535.00	Gas/Diesel
			<b>Total for check: 34749</b>	<b>18,535.00</b>		
MANDERFIELD BAKERY	34750	9/6/2012	427642	100-0702-552.30-18	57.80	Grunski
			<b>Total for check: 34750</b>	<b>57.80</b>		
MARSHALL & ILSLEY TRUST COMPANY NA	34751	9/6/2012	4027572	100-0202-512.21-06	260.00	Monthly Fees
			<b>Total for check: 34751</b>	<b>260.00</b>		

**AP Check Register**  
**Check Date: 9/6/2012**

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
MCCLOONE INSURANCE GROUP	34752	9/6/2012	93897	100-0203-512.32-01	30.00	Monthly Fees
				<b>Total for check: 34752</b>	<b>30.00</b>	
MENASHA EMPLOYEES CREDIT UNION	34753	9/6/2012	20120906	100-0000-202.05-00	14,355.00	PAYROLL SUMMARY
				<b>Total for check: 34753</b>	<b>14,355.00</b>	
MENASHA EMPLOYEES CREDIT UNION	34754	9/6/2012	20120906	100-0000-202.10-00	131.39	PAYROLL SUMMARY
				<b>Total for check: 34754</b>	<b>131.39</b>	
MENASHA UTILITIES	34755	9/6/2012		100-1012-541.22-03	15,877.29	July 2012 Street Lighting
				100-1008-541.22-03	186.37	Electric
				100-0703-553.22-03	588.54	Electric
				100-0703-553.22-05	152.30	Water/Sewer
				100-0703-553.22-06	91.25	Storm
				100-0903-531.22-03	192.29	Electric
				100-0903-531.22-05	54.18	Water/Sewer
				100-0000-123.00-00	8.45	Electric
				100-0305-562.22-06	2.50	Storm
				601-1020-543.22-03	61.57	Electric
				<b>Total for check: 34755</b>	<b>17,214.74</b>	
N&M AUTO SUPPLY	34756	9/6/2012	412609	731-1022-541.38-03	202.17	Brake Pads/Rotor
		9/6/2012	413600	731-1022-541.38-03	13.30	Belt
		9/6/2012	413712	731-1022-541.38-03	152.00	Trailer Hitch
		9/6/2012	413715	731-1022-541.38-03	69.68	Oil Filter/Switch/Circuit
		9/6/2012	413883	731-1022-541.38-03	7.42	Toggle Switch
		9/6/2012	413983	731-1022-541.30-18	12.41	Trim Adhesive
		9/6/2012	414017	731-1022-541.38-03	29.99	Trailer Wire Harness
		9/6/2012	414128	731-1022-541.38-03	21.06	AddACircuit Kit
		9/6/2012	414131	731-1022-541.38-03	37.18	Bracket/Wiring Adapter
		9/6/2012	414626	731-1022-541.38-03	68.18	AddACircuit Kit
		9/6/2012			31.66	Serpentine Belt

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Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
N&M AUTO SUPPLY...	34756...	9/6/2012	414659	731-1022-541.38-03	64.66	Taigate Handle
		9/6/2012	414776	731-1022-541.38-03	186.42	Battery Box/Cable/Battery
		9/6/2012	414777	731-1022-541.38-03	69.25	Red Cable
		9/6/2012	414883	731-1022-541.38-03	11.04	Copper Lug
		9/6/2012	415062	731-1022-541.38-03	89.51	Oil Cooler Line/Boot Kit
			<b>Total for check: 34756</b>		<b>1,065.93</b>	
NEENAH-MENASHA SEWERAGE COMMISSION	34757	9/6/2012	2012-132	601-1021-543.25-01	64,843.14	September 2012 Wastewater
		9/6/2012	2012-138	601-1021-543.25-01	22,504.00	September 2012 Interest & Debt
			<b>Total for check: 34757</b>		<b>87,347.14</b>	
NETWORK HEALTH PLAN	34758	9/6/2012	00502603	100-0000-204.08-00	113,665.55	Health Insurance
				100-0000-204.11-00	9,666.75	Health Insurance
			<b>Total for check: 34758</b>		<b>123,332.30</b>	
NORTHEAST ASPHALT INC	34759	9/6/2012		100-1003-541.82-02	75,722.33	2012-03/Paris & Manitowoc
				625-1010-541.82-02	25,360.95	2012-03/Paris & Manitowoc
				100-0000-201.04-00	(5,054.16)	2012-03/Paris & Manitowoc
			<b>Total for check: 34759</b>		<b>96,029.12</b>	
OFFICEMAX INC	34760	9/6/2012	541157	100-1002-541.30-10	38.15	Office Supplies
				625-1002-541.30-10	12.72	Office Supplies
		9/6/2012	744824	100-1002-541.30-10	24.74	Office Supplies
				625-1002-541.30-10	8.24	Office Supplies
				100-1001-514.30-10	31.82	Paper
			<b>Total for check: 34760</b>		<b>115.67</b>	
OMNI ASSOCIATES INC	34761	9/6/2012	59885	625-1002-541.21-02	122.25	Materials Testing
			<b>Total for check: 34761</b>		<b>122.25</b>	

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Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description	
ORTH, EFFIE	34762	9/6/2012	ORTH	100-0000-441.17-00	350.00	350.00 Credit Gr 6&7Sec D/Lot 98Resthaven Cemetery	
				<b>Total for check: 34762</b>	<b>350.00</b>		
OSHKOSH FIRE & POLICE EQUIPMENT INC	34763	9/6/2012	147751	100-0803-521.29-05	73.00	73.00 Tail Light Flasher	
				<b>Total for check: 34763</b>	<b>73.00</b>		
PACKER CITY INTERNATIONAL	34764	9/6/2012	3-222210014	731-1022-541.38-03	17.66	17.66 Filter	
				3-222280039	731-1022-541.38-03	25.58	25.58 Fluid
				3-222300004	731-1022-541.38-03	531.05	531.05 Air/Lube Filters & Tuff
				<b>Total for check: 34764</b>	<b>574.29</b>		
POOL WORKS INC	34765	9/6/2012	JBILL0001669	100-0704-552.24-05	3,154.69	3,154.69 Repair Tile & Re-Grout	
				<b>Total for check: 34765</b>	<b>3,154.69</b>		
RIESTERER & SCHNELL INC	34766	9/6/2012	395265	731-1022-541.38-03	19.13	19.13 Key & Rotary Switch	
				<b>Total for check: 34766</b>	<b>19.13</b>		
DAN SCHROEDER	34767	9/6/2012		100-0702-552.20-03	150.00	150.00 Archery Class	
				<b>Total for check: 34767</b>	<b>150.00</b>		
SERVICE MOTOR COMPANY	34768	9/6/2012	IV22644	731-1022-541.38-03	207.69	207.69 Nozzle	
				<b>Total for check: 34768</b>	<b>207.69</b>		
UNIFIRST CORPORATION	34769	9/6/2012	0970119377	731-1022-541.20-01	125.67	125.67 Mat/Mop/Clothing Service	
				<b>Total for check: 34769</b>	<b>125.67</b>		
UNITED WAY FOX CITIES	34770	9/6/2012	20120906	100-0000-202.09-00	27.48	27.48 PAYROLL SUMMARY	
				<b>Total for check: 34770</b>	<b>27.48</b>		

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Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
US CELLULAR	34771	9/6/2012	200267787-102	100-0201-512.22-01	51.27	Captain
				100-0202-512.22-01	14.16	Brunn
				100-0401-513.22-01	11.75	Stoifel
				100-1019-552.22-01	22.82	Bridges
				743-0403-513.22-01	94.87	IT
				601-1020-543.22-01	5.18	Confined Space
				100-0801-521.22-01	385.02	PD
				100-0803-521.22-01	13.89	CSO
				100-0919-531.22-01	9.53	Health
				100-0904-531.22-01	48.76	Drew
				100-1002-541.22-01	146.82	Engineering
				100-0702-552.22-01	66.86	Tungate
				100-0703-553.22-01	132.17	Parks
				100-0304-562.22-01	21.59	Keil
				731-1022-541.22-01	65.53	PWF
100-1008-541.22-01	9.82	Bursack				
601-1020-543.22-01	5.18	Sewer Truck				
<b>Total for check: 34771</b>				<b>1,105.22</b>		
USDA - APHIS	34772	9/6/2012	725512193	100-0703-553.24-05	3,885.00	Canada Goose Roundup Proj
				<b>Total for check: 34772</b>		
VERIZON WIRELESS	34773	9/6/2012	2780057946	100-1001-514.22-01	58.48	Phone Charges
				601-1020-543.22-01	16.13	Phone Charges
				<b>Total for check: 34773</b>		
WE ENERGIES	34774	9/6/2012		100-1008-541.22-04	8.83	City Garage
				100-1012-541.22-03	2,218.25	Street Lights
				100-0703-553.22-03	37.50	Conservancy
				<b>Total for check: 34774</b>		

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Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
WHACKER	34775	9/6/2012	6259	100-0803-521.29-05	747.80	CEO Vehicle Equipment
			<b>Total for check: 34775</b>		<b>747.80</b>	
WINNEBAGO COUNTY CLERK OF COURTS	34776	9/6/2012		100-0000-201.03-00	385.00	Bond/MPD 12-2736
			<b>Total for check: 34776</b>		<b>385.00</b>	
WINNEBAGO COUNTY TREASURER	34777	9/6/2012	3371	100-0805-521.25-01	668.98	Lodging
			<b>Total for check: 34777</b>		<b>668.98</b>	
WISCONSIN DEPT OF FINANCIAL	34778	9/6/2012		100-0203-512.32-01	20.00	Notary App/City Clerk
			<b>Total for check: 34778</b>		<b>20.00</b>	
WISCONSIN SUPPORT COLLECTIONS	34779	9/6/2012	20120906	100-0000-202.03-00	1,869.86	PAYROLL SUMMARY
			<b>Total for check: 34779</b>		<b>1,869.86</b>	
					<b>452,777.56</b>	

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Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
AAA SANITATION INC	34780	9/13/2012	13374	100-0703-553.20-09	540.65	Portable Toilets Communityfest
			<b>Total for check: 34780</b>		<b>540.65</b>	
ACCURATE	34781	9/13/2012	1212440	731-1022-541.30-18	51.87	Air Coupler/Ties/Connect
			<b>Total for check: 34781</b>		<b>51.87</b>	
AMBROSIUS CONCRETE SUPPLIES INC	34782	9/13/2012	277989	100-0703-553.30-18	240.00	Orange Fence
			<b>Total for check: 34782</b>		<b>240.00</b>	
APPLETON ELECTRONICS SUPPLY LLC	34783	9/13/2012	7621	100-0704-552.24-04	118.13	NCC Timer/Relay Socket
			<b>Total for check: 34783</b>		<b>118.13</b>	
ASCAP	34784	9/13/2012		100-0702-552.32-01	10.63	ASCAP License
			<b>Total for check: 34784</b>		<b>10.63</b>	
BADGER HIGHWAYS CO INC	34785	9/13/2012	157898	479-1003-541.82-02	21,723.50	Tack Coat/Asphalt
			<b>Total for check: 34785</b>		<b>21,723.50</b>	
BERGSTROM	34786	9/13/2012	121837	731-1022-541.38-03	66.68	Bumpers
		9/13/2012	121839	731-1022-541.38-03	13.18	Insulator
			<b>Total for check: 34786</b>		<b>79.86</b>	
DAVID BEULA	34787	9/13/2012	CARTEXCHANGE	100-0000-441.13-00	8.50	Refuse Cart Downgrade
			<b>Total for check: 34787</b>		<b>8.50</b>	
BROCK WHITE COMPANY	34788	9/13/2012	12237548-00	479-1010-541.30-18	173.48	Mortar Cement
				625-1010-541.30-18	173.48	Mortar Cement

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Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
BROCK WHITE COMPANY...	34788...	9/13/2012...	12237548-00...	601-1020-543.30-18	173.49	Mortar Cement
			<b>Total for check: 34788</b>		<b>520.45</b>	
BRUCE MUNICIPAL EQUIPMENT INC	34789	9/13/2012	5122476	625-1005-541.30-15	207.24	Dirt Shoe Runners
		9/13/2012	5122512	731-1022-541.38-03	138.15	Hyd Tube Assemblies
			<b>Total for check: 34789</b>		<b>345.39</b>	
BUBBRICK'S	34790	9/13/2012	633035	100-0801-521.30-10	53.46	Office Supplies
			<b>Total for check: 34790</b>		<b>53.46</b>	
CLARKSON MAP	34791	9/13/2012	50121	100-0703-553.30-18	39.80	Lake Winnebago Maps
			<b>Total for check: 34791</b>		<b>39.80</b>	
COUNTY MATERIALS CORPORATION	34792	9/13/2012	2084198-00	100-0703-553.30-18	120.12	Gray Wall Caps
			<b>Total for check: 34792</b>		<b>120.12</b>	
UNEMPLOYMENT INSURANCE	34794	9/13/2012		100-0201-512.15-09	34.29	Special Assessment
				100-0203-512.15-09	17.43	Special Assessment
				100-0204-512.15-09	1.96	Special Assessment
				100-0304-562.15-09	26.48	Special Assessment
				100-0401-513.15-09	47.14	Special Assessment
				743-0403-513.15-09	21.53	Special Assessment
				100-0903-531.15-09	67.33	Special Assessment
				100-0903-531.15-09	24.28	Special Assessment
				100-0601-551.15-09	127.72	Special Assessment
				100-0702-552.15-09	16.28	Special Assessment
				100-0702-552.15-09	10.51	Special Assessment
				100-0704-552.15-09	14.80	Special Assessment
			100-0804-521.15-09	0.64	Special Assessment	
			100-0803-521.15-09	3.49	Special Assessment	
			100-0801-521.15-09	123.97	Special Assessment	

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Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
UNEMPLOYMENT INSURANCE...	34794...	9/13/2012...	...	100-0801-521.15-09	251.59	Special Assessment
				100-0801-521.15-09	61.21	Special Assessment
				100-0802-521.15-09	4.79	Special Assessment
				100-1001-514.15-09	18.03	Special Assessment
				100-1002-541.15-09	63.21	Special Assessment
				731-1022-541.15-09	31.20	Special Assessment
				100-1019-552.15-09	10.31	Special Assessment
				731-1022-541.15-09	27.79	Special Assessment
				601-1020-543.15-09	43.82	Special Assessment
				100-1003-541.15-09	125.51	Special Assessment
				100-0703-553.15-09	11.15	Special Assessment
			100-0703-553.15-09	74.29	Special Assessment	
			<b>Total for check: 34794</b>	<b>1,260.75</b>		
FERGUSON ENTERPRISES #448	34795	9/13/2012	0787350	100-0703-553.24-03	47.18	Plumb Parts
			<b>Total for check: 34795</b>		<b>47.18</b>	
FERRELLGAS	34796	9/13/2012	1072262496	266-1027-543.21-06	42.93	
			<b>Total for check: 34796</b>		<b>42.93</b>	
FOX STAMP SIGN & SPECIALTY	34797	9/13/2012	212600	100-0703-553.30-18	240.00	Sign
			<b>Total for check: 34797</b>		<b>240.00</b>	
FOX VALLEY HUMANE ASSOCIATION	34798	9/13/2012		100-0806-532.25-01	1,895.16	July 2012
			<b>Total for check: 34798</b>		<b>1,895.16</b>	
GANNETT WISCONSIN MEDIA	34799	9/13/2012	0006592807	100-0405-513.29-02	2,750.66	Legals
				100-0203-512.29-02	50.33	Legals
			<b>Total for check: 34799</b>		<b>2,800.99</b>	

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Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
HAWKINS INC	34800	9/13/2012	3376987	100-0704-552.30-18	213.00	Pool Chemicals
	<b>Total for check: 34800</b>				<b>213.00</b>	
HOME DEPOT CREDIT SERVICES	34801	9/13/2012	1031177	100-0703-553.24-03	69.59	
		9/13/2012	1038061	100-1001-514.24-03	32.43	Primer/Tape
		9/13/2012	4092290	100-0801-521.30-13	46.97	Vacuum
		9/13/2012	5038936	100-0703-553.30-13	49.90	
		9/13/2012	7030203	100-0703-553.24-03	53.45	Tape/Primer/Plunger
		9/13/2012	8038507	100-0703-553.24-03	45.92	
<b>Total for check: 34801</b>				<b>298.26</b>		
MIKE HOPFENSBERGER	34802	9/13/2012		100-0304-562.33-01	17.10	17.10 July/August Mileage
	<b>Total for check: 34802</b>				<b>17.10</b>	
INDEPENDENT INSPECTIONS LTD	34803	9/13/2012	306314	100-0301-523.21-06	7,549.58	August Permits
	<b>Total for check: 34803</b>				<b>7,549.58</b>	
INFINITY TECHNOLOGY INC	34804	9/13/2012	481179	733-0206-512.73-01	2,557.91	Port Switch/Fiber Cables
	<b>Total for check: 34804</b>				<b>2,557.91</b>	
JX ENTERPRISES INC	34805	9/13/2012	G-222290022	731-1022-541.38-03	90.21	Adjuster Brakes
	<b>Total for check: 34805</b>				<b>90.21</b>	
KITZ & PFEIL INC	34808	9/13/2012	072309-0023	100-1008-541.30-18	9.89	Jug Red Chalk
		9/13/2012	072414-0077	100-1008-541.30-18	10.78	Puffy Knives
		9/13/2012	072414-0104	100-0704-552.30-18	30.57	Duct Tape & Gorilla Tape
		9/13/2012	072514-0001	100-1008-541.30-18	4.12	Rubbing Alcohol
		9/13/2012	072514-0100	100-0703-553.30-18	62.47	Miscellaneous Hardware
		9/13/2012	072514-0106	100-0703-553.24-03	5.80	Miscellaneous Hardware
		9/13/2012	072614-0072	100-0703-553.30-18	35.06	Jig Blades
		9/13/2012	072814-0008	100-0801-521.29-05	25.33	Hardware/Tape/Disconnect Squad Electric Connectors

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Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
KITZ & PFEIL INC...	34808...	9/13/2012	073014-0106	100-0703-553.30-18	10.89	Misc Hardware & Ext Cord
		9/13/2012	073109-0008	100-0703-553.30-18	0.56	Misc Hardware
		9/13/2012	073114-0111	100-0703-553.30-18	7.00	Pipe Strap & Compound
		9/13/2012	073114-0145	100-0703-553.30-13	1.97	Glass Scraper
		9/13/2012	080103-0003	100-0501-522.24-03	7.96	Fluo Bulb
		9/13/2012	080109-0001	266-1028-543.30-18	25.98	Synthetic Oil
		9/13/2012	080109-0027	625-1010-541.30-18	3.00	Pipe
		9/13/2012	080114-0017	100-0703-553.24-03	2.33	Hardware/Suction Cups
		9/13/2012	080614-0111	731-1022-541.30-18	23.99	Satin Paint
		9/13/2012	080714-0017	731-1022-541.38-03	23.48	Springs & Ball Valves
		9/13/2012	080714-0069	100-1001-514.30-18	10.04	Spring Clamp
		9/13/2012	080714-0175	100-0703-553.24-03	15.21	Spray Paint/Chalk/Hardwar
		9/13/2012	080714-0249	100-0704-552.30-18	10.32	COB Bit/Screw Connector
		9/13/2012	080814-0026	100-0703-553.30-18	23.34	Cable Ties & Fan
		9/13/2012	080814-0071	100-0703-553.30-18	52.92	Hardware/Tarps/Roof Cemen
		9/13/2012	080914-0007	100-0703-553.30-18	33.28	Sprayer & Weed B GonMax
		9/13/2012	080914-0008	100-0702-552.30-18	6.74	Pad Painter
		9/13/2012	081009-0026	100-0702-552.30-18	12.12	Program Supplies
		9/13/2012	081014-0206	100-0702-552.30-18	28.92	Supplies
		9/13/2012	081314-0002	100-0702-552.30-18	12.78	Grunski
		9/13/2012	081314-0015	100-0204-512.24-01	5.02	Elections/Slik Tak
		9/13/2012	081314-0149	731-1022-541.38-03	2.06	Mounting Base
		9/13/2012	081414-0193	100-0801-521.24-03	8.99	Pulley/PPF Flag Pole
		9/13/2012	081514-0036	100-0501-522.24-03	8.99	Pulley/PPF Flag Pole
		9/13/2012	081514-0084	100-0703-553.30-18	31.49	Galv Lag Bolt
		9/13/2012	081514-0170	100-1016-543.30-18	10.78	Nylon Twine
		9/13/2012	081614-0029	266-1027-543.30-18	10.79	Nylon Twine
		9/13/2012	081614-0031	100-0703-553.30-18	19.78	Hurricane & Gorilla Tape
		9/13/2012	081614-0069	731-1022-541.38-03	3.05	Bulb
		9/13/2012	081614-0142	731-1022-541.38-03	35.68	Misc Hardware
		9/13/2012	081614-0069	207-0707-552.30-18	15.28	Home Def Granufes
		9/13/2012	081614-0142	100-0501-522.24-03	3.98	Mini Fluo Bulbs
		9/13/2012	081614-0142	100-1002-541.30-18	10.31	Survey Nails

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Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
KITZ & PFEIL INC...	34808...	9/13/2012...	081614-0142...	625-1002-541.30-18	3.44	Survey Nails
			<b>Total for check: 34808</b>		<b>666.49</b>	
KUNDINGER FLUID POWER INC	34809	9/13/2012	50200820	731-1022-541.38-03	31.50	Hose
			<b>Total for check: 34809</b>		<b>31.50</b>	
KWIK TRIP INC	34810	9/13/2012		100-0801-521.29-05	275.58	Fuel
			<b>Total for check: 34810</b>		<b>275.58</b>	
LAMERS BUS LINES INC	34811	9/13/2012	413025	100-0702-552.20-05	279.00	Bus Trip
		9/13/2012	413502	100-0702-552.20-05	93.00	Bus Trip
			<b>Total for check: 34811</b>		<b>372.00</b>	
LANDLORD SERVICES LLC	34812	9/13/2012	15389	100-0801-521.21-06	17.00	
			<b>Total for check: 34812</b>		<b>17.00</b>	
LEVENHAGEN CORPORATION	34813	9/13/2012	79373	207-0707-552.38-01	1,655.56	Gasoline/Marina
		9/13/2012	79502	207-0707-552.38-01	3,906.41	Gasoline/Marina
			<b>Total for check: 34813</b>		<b>5,561.97</b>	
MANAWA TELEPHONE CO	34814	9/13/2012		743-0403-513.22-01	39.95	Internet Service
			<b>Total for check: 34814</b>		<b>39.95</b>	
MATTHEWS TIRE & SERVICE CENTER	34815	9/13/2012	398593	731-1022-541.38-02	106.92	Tire
		9/13/2012	398863	731-1022-541.38-02	427.68	Tires
		9/13/2012	44442	731-1022-541.38-02	951.96	Tires & Hardware
		<b>Total for check: 34815</b>		<b>1,486.56</b>		
MENARDS-APPLETON EAST	34816	9/13/2012	85716	100-0703-553.24-03	6.65	Downspout/Mem Bldg

**AP Check Register**  
**Check Date: 9/13/2012**

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
MENARDS-APPLETON EAST...	34816...	9/13/2012	85716...	100-1001-514.30-15	29.96	Hand Vac
		9/13/2012	87414	100-0703-553.30-18	6.44	Treated 4x4
				<b>Total for check: 34816</b>	<b>43.05</b>	
POSTMASTER	34817	9/13/2012		100-0203-512.30-11	135.00	Stamps
				<b>Total for check: 34817</b>	<b>135.00</b>	
MENASHA TREASURER	34818	9/13/2012	PD	100-0801-521.30-18	29.37	
				100-0801-521.33-03	3.13	
				100-0801-521.34-03	17.90	
				<b>Total for check: 34818</b>	<b>50.40</b>	
MENASHA UTILITIES	34819	9/13/2012		100-0305-562.22-06	5.00	LP Villa Lot 70
				100-0703-553.22-06	8.75	LPV Outlots
				100-0305-562.22-06	2.50	LPV Commercial
		9/13/2012	3932	601-0401-513.25-02	16,150.65	Sewer Charge
		9/13/2012	3933	625-0401-513.25-01	1,132.50	Storm Charge
				<b>Total for check: 34819</b>	<b>17,299.40</b>	
MENASHA UTILITIES	34820	9/13/2012		267-0102-581.22-03	751.67	August Interdept Sales
				267-0102-581.22-05	175.97	August Interdept Sales
				<b>Total for check: 34820</b>	<b>927.64</b>	
TOWN OF MENASHA UTILITY DISTRICT	34821	9/13/2012		100-0703-553.22-05	9.81	Standby Water
				100-0703-553.22-05	1,031.14	1000 Geneva Road
				100-0703-553.22-05	78.51	1200 Geneva Road
				<b>Total for check: 34821</b>	<b>1,119.46</b>	

**AP Check Register**  
**Check Date: 9/13/2012**

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
MORTON SAFETY	34822	9/13/2012	709171	731-1022-541.30-18	163.74	Rainsuits/Cuffs
			Total for check: 34822		<u>163.74</u>	
NEENAH FOUNDRY	34823	9/13/2012	61187	625-1010-541.30-18	216.00	Adjusting Ring
			Total for check: 34823		<u>216.00</u>	
NIELSON COMMUNICATIONS	34824	9/13/2012	CMFV12-27678	731-1022-541.38-03	(77.52)	Mounts/Credit
		9/13/2012	FV12-27678	731-1022-541.38-03	273.24	Antenna/Mounting Kits
			Total for check: 34824		<u>195.72</u>	
NORTHEAST WISCONSIN TECHNICAL	34825	9/13/2012	SFT0000064558	100-0801-521.34-02	175.00	Class/Thorn
			Total for check: 34825		<u>175.00</u>	
OFFICE DEPOT	34826	9/13/2012	2866324	100-0918-531.30-10	12.40	Supplies
				100-0903-531.30-10	39.68	Supplies
			Total for check: 34826		<u>52.08</u>	
OUTAGAMIE COUNTY	34827	9/13/2012	94001	100-0805-521.25-01	1,155.00	July Lodging
			Total for check: 34827		<u>1,155.00</u>	
PAVEMENT MAINTENANCE INC	34828	9/13/2012	8445B	100-1003-541.20-10	4,358.20	Pulverizing/Grove Street
			Total for check: 34828		<u>4,358.20</u>	
POSTAL ANNEX	34829	9/13/2012	191412	100-0801-521.30-11	7.70	Postage
		9/13/2012	191567	100-0904-531.30-11	10.57	Postage
		9/13/2012	191608	100-0801-521.30-11	14.36	Postage
		9/13/2012	191664	100-0901-515.30-11	12.90	Postage

**AP Check Register**  
**Check Date: 9/13/2012**

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
POSTAL ANNEX...	34829...	9/13/2012	191957	100-0801-521.30-11	9.27	Postage
			Total for check: 34829		54.80	
PROTANIC INC	34830	9/13/2012	29667	207-0707-552.32-01	490.00	Leak Detectors/ATG Certif
			Total for check: 34830		490.00	
PSS WORLD MEDICAL INC	34831	9/13/2012	83455715	100-0905-531.30-18	290.41	Medical Supplies
				100-0903-531.30-18	41.72	Medical Supplies
				100-0914-531.30-18	115.66	Medical Supplies
			Total for check: 34831		447.79	
DENISE QUICK	34832	9/13/2012		100-1001-514.33-01	15.30	August Mileage
			Total for check: 34832		15.30	
RED	34833	9/13/2012	B168662A	100-0801-521.19-03	42.36	Collar Pins
			Total for check: 34833		42.36	
SCHROTH WHOLESALE SUPPLY CO	34834	9/13/2012	275408	100-0703-553.30-18	23.10	Gypsum
			Total for check: 34834		23.10	
SERVICEMASTER BUILDING MAINTENANCE	34835	9/13/2012	1571	100-0801-521.20-01	1,395.00	Contract Janitorial
		9/13/2012	1591	100-0801-521.20-01	50.00	Garage
			Total for check: 34835		1,445.00	
STAPLES ADVANTAGE	34836	9/13/2012	3180230180	100-1001-514.30-10	579.00	Copy Paper
				100-0401-513.30-10	36.95	Office Supplies
			Total for check: 34836		615.95	
SUPERIOR CHEMICAL CORP	34837	9/13/2012	1513	100-1006-541.30-18	129.65	Aerosol Coating

**AP Check Register**  
**Check Date: 9/13/2012**

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
SUPERIOR CHEMICAL CORP ...	34837...	9/13/2012	1517	731-1022-541.30-18	160.70	Frost Melt/Odor Neutraliz
				<b>Total for check: 34837</b>	<b>290.35</b>	
	34838	9/13/2012	IF13689	731-1022-541.38-03	158.02	Pin
SWIDERSKI POWER INC		9/13/2012	IF13735	731-1022-541.38-03	100.53	Insulator
				<b>Total for check: 34838</b>	<b>258.55</b>	
	34839	9/13/2012	12-3021	100-0801-521.30-15	1,830.00	Rem 55gr Tap 20/box
TJ CONEVEVA'S INC				<b>Total for check: 34839</b>	<b>1,830.00</b>	
	34840	9/13/2012	7414	731-1022-541.38-03	170.00	
				<b>Total for check: 34840</b>	<b>170.00</b>	
TOYS FOR TRUCKS	34841	9/13/2012	097 0119851	731-1022-541.20-01	125.67	Mat/Mop/Clothing Service
				<b>Total for check: 34841</b>	<b>125.67</b>	
	34842	9/13/2012	208831	100-0804-521.30-18	46.95	Haynen-Shirt
UNIFORM SHOPPE		9/13/2012	209425	100-0804-521.30-18	148.85	Messman-Uniforms
		9/13/2012	212189	100-0801-521.19-03	156.95	Heidemann
				<b>Total for check: 34842</b>	<b>352.75</b>	
US VENTURE	34843	9/13/2012	L44969	731-1022-541.21-06	12.00	Sample
				<b>Total for check: 34843</b>	<b>12.00</b>	
	34844	9/13/2012	2791305393	743-0403-513.24-04	439.89	Broadband Charges
VERIZON WIRELESS				<b>Total for check: 34844</b>	<b>439.89</b>	

**AP Check Register**  
**Check Date: 9/13/2012**

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
WAVERLY SANITARY DISTRICT	34845	9/13/2012		100-0703-553.22-05	54.12	54.12 2170 Plank Road
				<b>Total for check: 34845</b>	<b>54.12</b>	
WE ENERGIES	34846	9/13/2012		100-0903-531.22-04	8.95	316 Racine St
				100-0701-533.22-03	8.54	North Street, Neenah
				100-0701-533.22-03	7.99	North Street, Neenah
				<b>Total for check: 34846</b>	<b>25.48</b>	
WINNEBAGO COUNTY CLERK OF COURTS	34847	9/13/2012		100-0000-201.03-00	150.00	Bond/MPD 12-2791
				<b>Total for check: 34847</b>	<b>150.00</b>	
WISCONSIN DEPT OF ADMINISTRATION	34848	9/13/2012		100-0301-523.30-18	753.00	Building Permit Seals
				<b>Total for check: 34848</b>	<b>753.00</b>	
WISCONSIN DEPT OF NATURAL RESOURCES	34849	9/13/2012		471020660-2012	572.00	Waste Program License Fee
				<b>Total for check: 34849</b>	<b>572.00</b>	
WISCONSIN JUVENILE OFFICERS ASSOC	34850	9/13/2012		100-0801-521.34-02	140.00	Conference Registration
				<b>Total for check: 34850</b>	<b>140.00</b>	
					<b>83,515.28</b>	



**NEENAH-MENASHA SEWERAGE COMMISSION**

101 Garfield Avenue • Menasha, Wisconsin 54952-3397

(920) 751-4760 • Fax (920) 751-4767 • e-mail [info@nmscwwtp.com](mailto:info@nmscwwtp.com)

September 13, 2012

Mayor Don Merkes  
City of Menasha  
140 Main Street  
Menasha, WI 54952

RE: NMSC Wastewater Treatment Plant Modification Project

Dear Mayor Merkes;

This letter is to follow up the August 30, 2012 letter from myself to you and our appearance before the Common Council on Tuesday September 4, 2012. As presented in the letter and discussed at the Council Meeting, the NMSC is looking for action from the City of Menasha to help facilitate the steps needed by the NMSC to obtain additional short term financing and to continue on the path for the NMSC to obtain Clean Water Fund loans for the Wastewater Treatment Plant Modification Project through the five communities that make up the NMSC. The items we need the City of Menasha to address are:

- Motion to Accept the Agency Agreement in concept
- Authorization to submit the variance request to the State to receive the variance to issue taxable Clean Water Fund Bonds
- Authorize the "Authorized Representative" (Director of Public Works) to sign the Clean Water Fund Application
- Approve an amending motion to remove the following contingency in the motion passed by the City of Menasha on September 19, 2011 – "contingent on a guarantee from Sonoco for debt service payment and a hold harmless guarantee for a subsidy payment". The amended motion would then be: "to approve financing for the City of Menasha portion of the Neenah-Menasha Sewerage Plant Upgrade/Improvements Project utilizing Clean Water Fund Loans (CWF) in an amount not to exceed \$5.5 million dollars and if there is a cost increase in the project the City of Menasha would be given the option to obtain Clean Water Funds to cover the increase".

Please feel free to contact me if you have any additional questions or concerns. The phone number at the NMSC is 751-4760.

Sincerely,

A handwritten signature in cursive script that reads "Randall Much".

Randall Much  
General Manager

# THIEL LAW OFFICE

P.O. Box 7560 Appleton, WI 54912-7075

August 16, 2012

B. Eric Shytle  
Haynsworth Sinkler Boyd, P.A.  
1201 Main Street, 22<sup>nd</sup> Floor  
P.O. Box 11889  
Columbia, S.C. 29211-1889

Re: Neenah Menasha Sewerage Commission

Dear Mr. Shytle:

This letter is in response to your March 19, 2012 letter and our telephone call concerning the same. To assist on the review I have enclosed your letter.

While I appreciate the efforts of your client to reach an agreement my client is not in a position to agree to a capacity-based formula for payment of the proposed CWF project debt service subject to the two stated conditions of your letter.

Our reasons are as follows. I have enclosed a copy of an excerpt of the September 19, 2011 minutes of the city Council of the City of Menasha, Wisconsin. Please refer to section "I," Section 2, which states that the City of Menasha has agreed to participate in the CWF loans "contingent on a guarantee from Sonoco for debt service payment ...." I am bound to follow this motion by this member of our Commission.

In your March 19, 2012 letter, on the top of the second page at the numbered paragraph "2" the text indicates that your client, properly stated as U.S. Paper, would be relieved of its obligation to make payment on the debt service in the event that the local mill did not contribute load to the WWTP for three consecutive months. I can quickly envision that if the mill were to be shut down that U.S. Paper would only "guarantee" the debt service for three months. I am certain that is not the intent of the City of Menasha.

In a good faith effort to resolve this issue so that we can move forward with the CWF loan I propose the following subject to the approval of the City Council of the City of Menasha. I propose that your client commits to a "capacity-based formula" concerning payment for the project debt service at all times that the mill is in operation following the WWTP expansion buildout and for the term of the CWF loans. I would recommend that everyone agrees that this is in essence a "guarantee" while the mill is in business. The anticipated term of the CWF loan is 20 years. I propose that at the beginning of the term of the CWF loan, that in the event your client shuts the mill it "guarantee" to continue

its debt service payments for a period of 10 years following non-use of the WWTP or closure of the mill. However, after the start of the CWF loan term, if the mill remains in full operation and use of the WWTP for five years the ten-year obligation would be reduced to five years for the balance of the CWF loan term. Then, assuming an additional five years of continuous mill operation and use of the WWTP (bringing us up to a total of 10 years of continuous mill operation and use of the WWTP) the five-year obligation will be reduced to 2.5 years for the balance of the term of the CWF loan. This proposal is stated with the understanding that any such agreement would be subject to discharge in bankruptcy. This method reduces your client's risk significantly after 10 years of continuous operation. Again, this would be subject to the City of Menasha needing to amend its Motion, but I am willing to advocate for this change.

Your March 19, 2012 letter also asked for negotiation of a fixed rate percentage that "more fairly considers U.S. Paper's share of the financed improvement." It is my position that we have provided you with sufficient data to show that the applicable figure of 16.7% that is attributable to your client's share of the financed improvements is the fair allocation. However, you also request that an average loading over the past five years be used and calculated on 50% of flow and 50% of suspended solids. I have reviewed that carefully with personnel from the WWTP and such a formula would not be acceptable because that calculation, as stated in your letter, excludes the B.O.D. load. I am informed that the WWTP operates with a 50% B.O.D. load that is equitably factored into the costs. So while we believe we understand your stated concept, it is not feasible for us to agree to not recognize the fact of the B.O.D. treatment in this negotiation.

Your March 19, 2012 letter, upon review by the WWTP personnel, contains an inaccurate assumption that the loading base formula is not favorable for your client on the basis that it is allegedly "heavily weighted to B.O.D." I am informed this is not accurate. Although it is weighted toward B.O.D., it is not unfavorable because the B.O.D. is weighted the same for all users. Just because another user has more flow, they are still charged at the same rate as your client as to treatment of B.O.D. It costs more to treat B.O.D. than other types of treatment for suspended solids or flows. This means there is parity in the B.O.D. charge component. I am informed that about 50% of the operating costs to run the WWTP are incurred to treat the B.O.D. Twenty-Five Percent is to treat flow. Twenty-five percent is to treat suspended solid. These are approximate percentages, but fairly static over time. I have attached a sheet to show you the data prepared by Mr. Voigt for the WWTP of the summaries of flow, B.O.D. and suspended solids and then this data is audited/verified by Schenck & Associates, the independent auditors.

It appears all parties are in agreement that it benefits your client and the municipal members of the Commission to be able to access the CWF loans. In order to get us to that position, I have to honor the desires of the City of Menasha. In order to do that I need your client to agree to the motion passed by the City of Menasha or tentatively agree to my proposal and I will have to convince the City of Menasha to agree to the same.

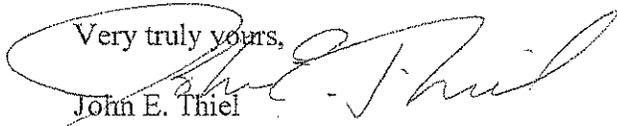
B. Eric Shytle  
August 16, 2012  
Page 3 of 3

Please contact me upon your review of this letter so that we may continue to discuss this further and try to reach a mutually acceptable agreement if possible. Time is now getting to be of the essence as we are needing to apply for all the CWF loans. The status is that we should be receiving bids for WWTP buildout soon and the numbers appear to be less than those first indicated and the project needs to keep moving forward.

Thank you for your continued cooperation and communication on this issue.

JOHN E. THIEL LAW OFFICE, LLC

Very truly yours,

  
John E. Thiel

Enclosures

Cc: NMSC (w/enc.)(via e-mail)

Haynsworth  
Sinkler Boyd, P.A.

ATTORNEYS AND COUNSELORS AT LAW

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B ERIC SHYTLER  
DIRECT DIAL NUMBER 803.540.7873  
eshytle@hsblawfirm.com

March 19, 2012

John E. Thiel, Esquire  
Thiel Law Office  
P.O. Box 7560  
Appleton, WI 54912-7075

Re: NMSC Proposal  
HSB File No. 04711.465

Dear John:

Thank you for your continued efforts to advance the negotiations between the Neenah-Menasha Sewerage Commission ("NMSC") and U.S. PaperMills, Inc. ("U.S. Paper").

On behalf of U.S. Paper, I would like to emphasize two points that are highly relevant to our position. First, the existing Agreement between NMSC and U.S. Paper requires that capital costs be paid according to a loading-based formula. That being the case, U.S. Paper has no obligation to NMSC if it decreases or suspends operations. From that perspective, agreeing to a fixed-rate commitment for a period of twenty years greatly reduces U.S. Paper's flexibility and increases its risk. After lengthy consideration, U.S. Paper has determined that although it is willing to bear a fixed commitment if its loading decreases, it will nonetheless insist on some protection in the event that it ceases operations at the Menasha plant. We feel that U.S. Paper, as an industrial customer, should not be under the same parameters of the municipalities for the repayment of the Project costs.

Second, we believe that even the current loading-based formula disfavors U.S. Paper in that it is heavily weighted to B.O.D. In other words, U.S. Paper pays proportionately more than other users with the same or higher flows, or the same or higher suspended solids concentrations. Moreover, I understand that the proposed project is for treatment of solids and does not implicate B.O.D. For these reasons, we believe it unfair to base the fixed percentage on the existing formula. Moreover, we believe it is unfair to choose a single year to calculate our loading base for a 20-year fixed rate formula.

Therefore, U.S. Paper proposes that it will commit to a capacity-based formula for payment of project debt service subject to the two following caveats:

1. Negotiation of a fixed rate percentage that more fairly considers U.S. Paper's share of the financed improvement. We propose that we use the average loading of U.S. Paper over the past five years, and that loading be calculated as comprising fifty percent (50%) flow and fifty percent (50%) suspended solids. This calculation would thus exclude B.O.D.

Haynsworth  
Sinkler Boyd, P.A.

ATTORNEYS AND COUNSELORS AT LAW

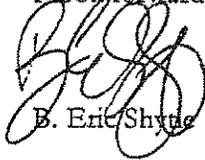
John E. Thiel, Esquire  
March 19, 2012  
Page 2

2. The agreement by NMSC that if U.S. Paper does not contribute load to the plant for a period of three consecutive months, its obligations to pay debt service on the Project will terminate.

I emphasize again that U.S. Paper understands the interest-rate savings that could be obtained by a borrowing from the Clean Water Fund, and is grateful for the efforts of NMSC and its member municipalities to attain the lowest borrowing costs for the Project. To that end, U.S. Paper believes that its offer to accept a fixed rate formula, subject only to determining a fairer allocation and to including a reasonable termination provision, is more than reasonable.

As we have noted in prior communications, the proposal contained herein remains subject to approval by U.S. Paper's board of directors and satisfaction of the other conditions detailed in those communications.

I look forward to hearing from you. Best regards,



B. Eric Shyde

#### H. ITEMS REMOVED FROM CONSENT AGENDA

1. Moved by Ald. Krueger, seconded by Ald. Sevenich to approve Common Council minutes of 9/6/11.  
**Motion carried on roll call 7-0.**
2. Moved by Ald. Zelinski, seconded by Ald. Langdon to approve recommendation to award Menasha Utilities Sedimentation Basin Scraper Modification, Head Shaft Replacement Project Contract #M0002-910184 to August Winter & Sons, Inc. in the amount of \$68,100.00  
General discussion on deprecation fund and the amount set aside for replacing equipment.  
**Motion carried on roll call 7-0.**
3. Moved by Ald. Zelinski, seconded by Ald. Langdon to approve Change Order No. 1 for Menasha Utilities Sedimentation Basin Scraper Modification, Head Shaft Replacement Project Contract #M0002-910184 to August Winter & Sons, Inc., deduct of \$5,600.00  
**Motion carried on roll call 7-0.**
4. Moved by Ald. Sevenich, seconded by Ald. Krueger to refer City of Menasha Discipline and Grievance Procedure Policy back to Personnel Committee.  
**Motion carried on roll call 7-0.**
5. Moved by Ald. Sevenich, seconded by Ald. Krueger to refer Intergovernmental Cooperation Agreement Impartial Hearing Officers back to Personnel Committee.  
**Motion carried on roll call 7-0.**
6. Moved by Ald. Zelinski, seconded by Ald. Langdon to approve raising the Marina seasonal slip rental rate from \$37.50 to \$37.75 per foot for 2012.  
General discussion on annual revenue from slip rentals and rental rates at other area marinas.  
**Motion carried on roll call 7-0.**

#### I. ACTION ITEMS

1. Accounts payable and payroll for the term of 9/8/11 to 9/15/11 in the amount of \$515,616.00  
Moved by Ald. Klein, seconded by Ald. Langdon to approve accounts payable and payroll.  
**Motion carried on roll call 7-0.**
2. Approval of City of Menasha participation in Neenah-Menasha Sewerage Commission building project  
Moved by Ald. Englebert, seconded by Ald. Langdon to approve financing for the City of Menasha portion of the Neenah-Menasha Sewerage Plant Upgrade/Improvements Project utilizing Clean Water Fund Loans (CWF) in an amount not to exceed \$5.5 million dollars contingent on a guarantee from Sonoco for debt service payment and a hold harmless guarantee for subsidy payment and if there is a cost increase in the project the City of Menasha would be given the option to obtain Clean Water Funds to cover the increase.  
General discussion on the funding procedure. Tom Kispert from McMahon Engineers/Architects answered questions.  
**Motion carried on roll call 7-0.**
3. Counter-Offer to Purchase, Riverside Building, Inc. (Dr. Larsen) 81 & 87 Racine St. and 504 Broad St. lots (Update)  
CA/HRD Captain explained the broker submitted the counter-offer to Dr. Larsen. Dr. Larsen had been out of the area, so he was not able to respond by the deadline date. A provision was included in the counter-offer that the Council must review any counter-offer from Dr. Larsen.

#### J. ORDINANCES AND RESOLUTIONS

1. O-10-11 – An Ordinance relating to bicycles on sidewalks (Introduced by Ald. Sevenich)(2<sup>nd</sup> Introduction)  
Moved by Ald. Sevenich, seconded by Ald. Langdon to adopt O-10-11.  
Moved by Ald. Sevenich, seconded by Ald. Langdon to amend to wording of proposed substitute amendment #1 to O-10-11.  
Moved by Ald. Krueger, seconded by Ald. Sevenich to amend to include "No person shall ride a bicycle upon a sidewalk along the west side of Racine Street from Third Street to Main Street."  
**Motion on second amendment carried on roll call 7-0.**  
**Motion on first amendment carried on roll call 6-1. Ald. Zelinski – no**  
**Motion to adopt O-10-11 as amended carried on roll call 6-1. Ald. Zelinski – no.**

**NEENAH-MENASHA SEWERAGE COMMISSION**

Summary of Flow, BOD, and SS received for billing purposes

	<u>12/31/2011</u>						
	<u>FLOW</u>	<u>FLOW %</u>	<u>cBOD</u>	<u>cBOD %</u>	<u>SS</u>	<u>SS %</u>	<u>TOTAL USAGE</u>
Neenah (net)	2,080,679	51.11%	3,242,290	40.55%	3,045,954	39.01%	42.45%
Menasha (net)	1,060,705	26.05%	1,477,393	18.48%	2,434,618	31.18%	23.28%
Tn Neenah S.D. 2	36,229	0.89%	76,000	0.95%	119,091	1.53%	1.08%
T.M.U.D. (S.D.4) (net)	664,493	16.32%	818,048	10.23%	1,087,697	13.93%	12.47%
Waverly S.D.	138,617	3.40%	231,998	2.90%	256,118	3.28%	3.10%
U.S. Paper Mills	90,363	2.22%	2,149,840	26.89%	865,628	11.08%	17.62%
<b>TOTAL</b>	<b>4,071,086</b>	<b>100.00%</b>	<b>7,995,569</b>	<b>100.00%</b>	<b>7,809,106</b>	<b>100.00%</b>	<b>100.00%</b>

	<u>3-YEAR AVERAGE (2009 - 2011)</u>						
	<u>FLOW</u>	<u>FLOW %</u>	<u>cBOD</u>	<u>cBOD %</u>	<u>SS</u>	<u>SS %</u>	<u>TOTAL USAGE</u>
Neenah (net)	1,969,763	50.78%	3,265,355	42.34%	3,070,133	42.30%	44.15%
Menasha (net)	987,932	25.45%	1,341,456	17.42%	1,953,273	26.79%	21.49%
Tn Neenah S.D. 2	39,314	1.03%	92,303	1.20%	123,791	1.73%	1.30%
T.M.U.D. (S.D.4) (net)	657,887	16.99%	845,681	10.98%	1,188,667	16.46%	13.64%
Waverly S.D.	133,727	3.47%	234,300	3.05%	244,956	3.38%	3.22%
U.S. Paper Mills	88,616	2.29%	1,931,109	25.00%	691,238	9.35%	16.20%
<b>TOTAL</b>	<b>3,877,239</b>	<b>100.00%</b>	<b>7,710,204</b>	<b>100.00%</b>	<b>7,272,058</b>	<b>100.00%</b>	<b>100.00%</b>

	<u>5-YEAR AVERAGE (2007 - 2011)</u>						
	<u>FLOW</u>	<u>FLOW %</u>	<u>cBOD</u>	<u>cBOD %</u>	<u>SS</u>	<u>SS %</u>	<u>TOTAL USAGE</u>
Neenah (net)	1,983,416	50.82%	3,144,534	42.38%	3,171,850	43.92%	44.59%
Menasha (net)	1,006,318	25.79%	1,340,837	18.09%	1,956,287	27.08%	21.99%
Tn Neenah S.D. 2	43,282	1.12%	89,688	1.22%	127,631	1.83%	1.35%
T.M.U.D. (S.D.4) (net)	641,825	16.47%	782,743	10.56%	1,099,619	15.42%	13.05%
Waverly S.D.	133,274	3.44%	226,784	3.06%	237,409	3.29%	3.20%
U.S. Paper Mills	91,542	2.36%	1,830,315	24.68%	610,489	8.46%	15.82%
<b>TOTAL</b>	<b>3,899,657</b>	<b>100.00%</b>	<b>7,414,900</b>	<b>100.00%</b>	<b>7,203,286</b>	<b>100.00%</b>	<b>100.00%</b>
	3,899,657	100.00%	7,414,900	100.00%	7,203,286	100.00%	100.00%

**RESOLUTION**  
**AUTHORIZING EXECUTION OF AGENCY AGREEMENT**  
**BETWEEN THE**  
**NEENAH-MENASHA SEWERAGE COMMISSION**  
**AND THE**  
**CITY OF NEENAH, CITY OF MENASHA, TOWN OF MENASHA,**  
**TOWN OF NEENAH SANITARY DISTRICT No. 2,**  
**AND WAVERLY SANITARY DISTRICT OF THE TOWN OF HARRISON**

DRAFT: MARCH 21, 2012

WHEREAS, the NEENAH-MENASHA SEWERAGE COMMISSION (the 'Commission'), a Commission created under Section 66.30 (now section 66.0301), Wisconsin Statutes, pursuant to the Neenah-Menasha Sewerage Commission Ordinance-Contract (as amended June 2008) [NOTE: Update if amended prior to approval of this Resolution], (the 'Ordinance-Contract'), which listed initial signers as the CITY OF NEENAH, CITY OF MENASHA, TOWN OF NEENAH, the former TOWN OF MENASHA SANITARY DISTRICT #4; TOWN OF MENASHA, the former TOWN OF NEENAH SANITARY DISTRICT #1, the former TOWN OF NEENAH SANITARY DISTRICT #1-1; TOWN OF NEENAH SANITARY DISTRICT No. 2, TOWN OF HARRISON and TOWN OF HARRISON SANITARY DISTRICT (current legal name is Waverly Sanitary District of the Town of Harrison), operates a Wastewater Treatment Facility (the 'System') as a public utility serving its Member Communities pursuant to the Ordinance-Contract.

WHEREAS, the Town of Menasha Sanitary District No. 4 has been dissolved, and the Town of Menasha has assumed its rights and obligations under the Ordinance-Contract; and

WHEREAS, the Town of Neenah Sanitary District No. 1's territory has been annexed into the City of Neenah, which has assumed its rights and obligations under the Ordinance-Contract; and

WHEREAS, the Town of Neenah Sanitary District No. 1-1's territory has been annexed into the City of Neenah, which has assumed its rights and obligations under the Ordinance-Contract; and

WHEREAS, the Town of Harrison was always a limited contracting municipality to the Ordinance-Contract and is only a party for the purpose of granting easements and not a party for any financial responsibility; and

WHEREAS, the Town of Neenah was always a limited contracting municipality to the Ordinance-Contract and is only a party for the purpose of granting easements and not a party for any financial responsibility; and

WHEREAS, certain improvements to the System are necessary to meet the needs of the Commission's Member Communities and the residents thereof, consisting of the construction of the project (the 'Project'), assigned Clean Water Fund ('CWF') Project No. 4115-03 by the Wisconsin Department of Natural Resources (the 'DNR'), and as described in the DNR approval letters for the plans and specifications for the Project or portions thereof, issued under Section 281.41 of the Wisconsin Statutes, dated \_\_\_\_\_, 20\_\_\_\_ and assigned No. \_\_\_\_\_ by the DNR; and

WHEREAS, CITY OF NEENAH, CITY OF MENASHA, TOWN OF MENASHA, TOWN OF NEENAH SANITARY DISTRICT No. 2, AND WAVERLY SANITARY DISTRICT OF THE TOWN OF HARRISON (the 'Member Communities') are to receive loans from the State of Wisconsin CWF Program to be used for the purpose of paying the cost of the Project and refunding the Commission's Sewerage System Revenue Bond Anticipation Notes, dated \_\_\_\_\_, 2011 (the "Notes")

issued to provide interim financing for the Project, and are to issue Sewerage System Revenue Bonds or General Obligation Sewerage System Promissory Notes in exchange therefor pursuant to the Financial Assistance Agreements made between the State of Wisconsin by the DNR and Department of Administration and the Member Communities, respectively, dated \_\_\_\_\_, 20\_\_\_\_ (the 'Financial Assistance Agreements');

WHEREAS, on \_\_\_\_\_, 20\_\_\_\_ [NOTE: Will need to keep an eye on timing – may be before or after this date] the governing bodies of the Member Communities are to adopt resolutions authorizing the issuance of Sewerage System Revenue Bonds, Series \_\_\_\_\_ or General Obligation Sewerage System Promissory Notes, Series \_\_\_\_\_ (the 'Bonds') for the above-mentioned purposes (the 'Bond Resolutions'); and

WHEREAS, because the Commission operates the System, it is necessary, desirable and in the best interests of the Commission for the Commission to act as agent of the Member Communities in performing certain of their obligations under the Financial Assistance Agreements and Bond Resolutions.

NOW THEREFORE, be it resolved by the Commission that:

Section 1. Execution Of Agency Agreement. The officers of the Commission are authorized, by and on behalf of the Commission, to execute an Agency Agreement with the Member Communities in substantially the form attached hereto as Exhibit A.

Section 2. Redemption of the Notes. The Commission hereby calls the Notes for redemption on \_\_\_\_\_, 20\_\_\_\_ or as soon as practicable thereafter. The Commission directs its officers and agents to take all action necessary to affect the redemption of the Notes.

(Signature page follows)

NEENAH-MENASHA SEWERAGE COMMISSION

Dated: \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Dale Youngquist, President

ATTEST:

\_\_\_\_\_  
Kathy Bauer, Secretary/Treasurer

**EXHIBIT A**

**AGENCY AGREEMENT**

**RELATING TO SEWERAGE SYSTEM REVENUE BONDS, SERIES \_\_\_\_\_ AND GENERAL  
OBLIGATION SEWERAGE SYSTEM PROMISSORY NOTES, SERIES \_\_\_\_\_**

WHEREAS, the NEENAH-MENASHA SEWERAGE COMMISSION (the 'Commission'), a Commission created under Section 66.30 (now section 66.0301), Wisconsin Statutes, pursuant to the Neenah-Menasha Sewerage Commission Ordinance-Contract (as amended June 2008), (the 'Ordinance-Contract'), which listed initial signers as the CITY OF NEENAH, CITY OF MENASHA, TOWN OF NEENAH, the former TOWN OF MENASHA SANITARY DISTRICT #4; TOWN OF MENASHA, the former TOWN OF NEENAH SANITARY DISTRICT #1, the former TOWN OF NEENAH SANITARY DISTRICT #1-1; TOWN OF NEENAH SANITARY DISTRICT No. 2, TOWN OF HARRISON and TOWN OF HARRISON SANITARY DISTRICT (current legal name is Waverly Sanitary District of the Town of Harrison), operates a Wastewater Treatment Facility (the 'System') as a public utility serving its Member Communities pursuant to the Ordinance-Contract.

WHEREAS, the Town of Menasha Sanitary District No. 4 has been dissolved, and the Town of Menasha has assumed its rights and obligations under the Ordinance-Contract; and

WHEREAS, the Town of Neenah Sanitary District No. 1's territory has been annexed into the City of Neenah, which has assumed its rights and obligations under the Ordinance-Contract; and

WHEREAS, the Town of Neenah Sanitary District No. 1-1's territory has been annexed into the City of Neenah, which has assumed its rights and obligations under the Ordinance-Contract; and

WHEREAS, the Town of Harrison was always a limited contracting municipality to the Ordinance-Contract and is only a party for the purpose of granting easements and not a party for any financial responsibility; and

WHEREAS, the Town of Neenah was always a limited contracting municipality to the Ordinance-Contract and is only a party for the purpose of granting easements and not a party for any financial responsibility; and

WHEREAS, certain improvements to the System are necessary to meet the needs of the Commission's Member Communities and the residents thereof, consisting of the construction of the project (the 'Project'), assigned Clean Water Fund ('CWF') Project No. 4115-03 by the Wisconsin Department of Natural Resources (the 'DNR'), and as described in the DNR approval letters for the plans and specifications for the Project or portions thereof, issued under Section 281.41 of the Wisconsin Statutes, dated \_\_\_\_\_, 20\_\_\_\_ and assigned No. \_\_\_\_\_ by the DNR; and

WHEREAS, CITY OF NEENAH, CITY OF MENASHA, TOWN OF MENASHA, TOWN OF NEENAH SANITARY DISTRICT No. 2, WAVERLY SANITARY DISTRICT OF THE TOWN OF HARRISON (the 'Member Communities') are to receive loans from the State of Wisconsin CWF Program to be used for the purpose of paying the cost of the Project and refunding the Commission's Sewerage System Revenue Bond Anticipation Notes, dated \_\_\_\_\_, 2011 (the "Notes") issued to provide interim financing for the Project, and are to issue Sewerage System Revenue Bonds or General Obligation Sewerage System Promissory Notes in exchange therefor pursuant to the Financial Assistance Agreements made between the State of Wisconsin by the DNR and Department of Administration and the Member Communities, respectively, dated \_\_\_\_\_, 20\_\_\_\_ (the 'Financial Assistance Agreements');

EXHIBIT A

To The

RESOLUTION AUTHORIZING EXECUTION OF AGENCY AGREEMENT

Page A-1 Of A-5

ISSUED: 04/16/2012

WHEREAS, on \_\_\_\_\_, 20\_\_\_\_ the governing bodies of the Member Communities adopted resolutions authorizing the issuance of Sewerage System Revenue Bonds, Series \_\_\_\_\_ or General Obligation Sewerage System Promissory Notes, Series \_\_\_\_ (the 'Bonds') for the above-mentioned purposes (the 'Bond Resolutions'); and

WHEREAS, because the Commission operates the System, it is necessary, desirable and in the best interests of the Commission for the Commission to act as agent of the Member Communities in performing certain of their obligations under the Financial Assistance Agreements and Bond Resolutions.

NOW THEREFORE, be it resolved by the Commission that:

Section I. Agency Provisions. The Commission shall act as agent of the Member Communities in the following matters:

- 1.a. Disbursement Of Bond Proceeds. The Commission shall make requests for disbursement of the proceeds of the Bonds (the 'Bond Proceeds') to the State of Wisconsin CWF Program in accordance with the Financial Assistance Agreements and the Bond Resolutions.
- 1.b. Receipt Of Bond Proceeds. The Commission shall accept disbursements of Bond Proceeds from the State of Wisconsin CWF Program pursuant to the Financial Assistance Agreements and the Bond Resolutions, shall deposit the Bond Proceeds into the respective Project Funds established by the Member Communities pursuant to the Bond Resolutions and shall expend the Bond Proceeds on costs of the Project and refunding obligations issued for that purpose as more fully described in the Financial Assistance Agreements and the Bond Resolutions.
- 1.c. Administration Of Funds. The Commission shall administer the funds enumerated in the Bond Resolutions in accordance with the provisions of the Bond Resolutions and the Financial Assistance Agreements. The Commission shall administer the Operation and Maintenance Funds, Depreciation Funds and the Surplus Funds or Borrowed Money Funds established in the Bond Resolutions as single funds and shall maintain separate Debt Service Funds for the Member Communities. [NOTE: For Communities with bonds already outstanding this may need to be modified]
- 1.d. Charges. The charges imposed on the Member Communities under the Ordinance-Contract will include as a component the total amount of debt service due on the Bonds issued by the Member Communities. The amount of debt service charged to each municipality will be determined on the basis of usage of the Commission facilities in accordance with the general formula for allocation of costs under the Ordinance-Contract. The Commission will allocate the amounts received with respect to debt service to the individual Debt Service Funds so the amount on deposit in each Debt Service Fund is sufficient to pay the principal and interest payable on each Member Communities' Bonds, respectively.
- 1.e. Payment On The Bonds. The Commission shall make payments of principal and interest on the Bonds to the State Of Wisconsin CWF Program from the Debt Service Funds created by the Bond Resolutions in accordance with the repayment schedules provided to the Commission by the Member Communities. Notwithstanding the provision of Section

1.d., above, if the amounts deposited in the Debt Service Funds are not sufficient to pay debt on the Bonds, the Member Communities each will remain responsible for payment of the debt service on the Bonds they issued.

Section 2. Observance Of Financial Assistance Agreements And Bond Resolutions. In performing its obligations under this Agreement, the Commission shall observe and not violate, nor shall it cause the Member Communities to violate or fail to observe, any provisions of the Financial Assistance Agreements or the Bond Resolutions. The Commission shall also operate and manage the System and the Project in such a manner so as to observe and not violate, or cause the Member Communities to violate or fail to observe, any provisions of the Financial Assistance Agreements or the Bond Resolutions.

Section 3. Allocation Of Revenues To Debt Service Funds. To the extent of the debt service requirements of the Bonds, the Net Revenues of the System allocable to the Member Communities shall be deposited in the Debt Service Funds for the Bonds according to the following proportions:

- 3.a. \_\_\_\_\_% to the City Of Neenah Debt Service Fund;
- 3.b. \_\_\_\_\_% to the City Of Menasha Debt Service Fund;
- 3.c. \_\_\_\_\_% to the Town Of Neenah Sanitary District No. 2 Debt Service Fund;
- 3.d. \_\_\_\_\_% to the Town Of Menasha Debt Service Fund; and
- 3.e. \_\_\_\_\_% to the Waverly Sanitary District of the Town of Harrison Debt Service Fund;

Section 4. Definitions. Any capitalized items used in this Agreement, which are not defined herein, shall have the meanings given them in the Bond Resolutions.

Section 5. Term Of The Agreement. This Agreement shall bind the parties and shall not terminate until all of the Bonds have either been discharged or defeased, as provided for in the Bond Resolutions. In the event that any portion of this Agreement shall become unenforceable or cease to bind the parties for any reason, the Member Communities shall each perform, with respect to their respective Bonds, any obligations under the Bond Resolutions or Financial Assistance Agreements, which the Commission has become unable to perform.

Section 6. Severability Of Provisions. The invalidity of any provision of this Agreement shall not affect the validity of any other provision.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

CITY OF NEENAH, Wisconsin

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CITY OF MENASHA, Wisconsin

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

---

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

TOWN OF MENASHA, Wisconsin

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Town Clerk

---

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

TOWN OF NEENAH SANITARY DISTRICT No. 2, Wisconsin

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

---

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

WAVERLY SANITARY DISTRICT OF THE TOWN OF HARRISON, Wisconsin

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

NEENAH-MENASHA SEWERAGE COMMISSION, Wisconsin

\_\_\_\_\_  
Dale Youngquist, President

ATTEST:

\_\_\_\_\_  
Kathy Bauer, Secretary/Treasurer

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EXHIBIT A  
To The  
RESOLUTION AUTHORIZING EXECUTION OF AGENCY AGREEMENT  
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ISSUED: 04/16/2012