

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

**CITY OF MENASHA  
COMMON COUNCIL  
Third Floor Council Chambers  
140 Main Street, Menasha  
Monday, July 19, 2010  
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 – Introduction of new firefighter Garrett Gee
  - 2. [Asst PW Supv. Nieland – Update on Automated Single Stream Recycling Collection](#)
  - 3. Clerk Galeazzi - the following minutes and communications have been received and placed on file:  
Minutes to receive:
    - a. [Administration Committee, 7/6/10](#)
    - b. [Board of Public Works, 7/6/10](#)
    - c. [Board of Review, 6/8/10](#)
    - d. [Committee on Aging, 5/13/10](#)
    - e. [Committee on Aging, 6/10/10](#)
    - f. [Water & Light Commission, 6/23/10](#)

Communications:

- g. [Customer First Newsletter, The Wire, July 2010](#)
  - h. [Letter from resident Jeffrey Riedl, 7/5/10; Outdoor Beer Garden license](#)
  - i. [Sen. Ellis & Rep. Kaufert, 7/8/10; State wide workplace smoking ban information](#)
  - j. [Waverly Sanitary District minutes, 6/8/10](#)
  - k. [Town of Menasha Utility District minutes, 5/10/10, 5/24/10, 6/14/10, 6/28/10](#)
  - l. [CVMIC to PC Stanke, 6/16/10; 2009 Workers' Compensation Audit](#)
  - m. [CDD Keil, 7/14/10; Lake Park Villas Vacant Land Development Proposals](#)
- 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, 7/6/10](#)

Administration Committee, 7/6/10; recommends approval of:

- 2. [Agreement with Wisconsin Department of Commerce for Manufactured Home Community Agent, July 1, 2010 – June 30, 2014, and authorize signature](#)

- H. ITEMS REMOVED FROM CONSENT AGENDA

I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 7/8/10 to 7/15/10 in the amount of \\$711,077.03](#)
2. [Change of Agent to Brandon Luedtke, The Bar at Lake Park LLC, d/b/a Sliders, 890 Lake Park Road](#)

J. ORDINANCES AND RESOLUTIONS

1. [O -11- 10 – An ordinance relating to the hours of outdoor food and alcoholic beverage service](#)

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. RECESS TO ADMINISTRATION COMMITTEE AND BOARD OF PUBLIC WORKS

P. ADJOURNMENT

Motion to Adjourn into Closed Session pursuant to Wis. Stats. §19.85(1)(g): Conferring with legal counsel for the governmental body who is rendering oral or written advise concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. (Update on LaFayette Life Ins. Co., et al. vs. City of Menasha Case No. 4:09CV0064)

**MEETING NOTICE**

**Tuesday, July 20, 2010 –Council Workshop- Menasha Senior Center (116 Main St.)**

**Monday, August 2, 2010 - Council Chambers**

**Common Council – 6:00 p.m.**

**Administration Committee – 7:00 p.m.**

**Board of Public Works – 7:30 p.m.**

# City of Menasha Public Works Facility

Date: July 14, 2010

To: Mark Radtke, Director of Public Works  
Common Council

From: Jeff Nieland, Assistant Public Works Superintendent

Re: July 2010 Automated Single Stream Recycling Collection

This report is to update you on how the recycling collection in the City of Menasha has progressed. Automated collection began the first week in January and we reported after that first collection month. This is a review of the six (6) month collection January-June.

The major change for our residents to understand continues to be that the use of plastic bags in the recycling stream is no longer allowed and following the recycling collection schedule/calendar. Information on the new collection changes have been available to our residents beginning the last 6 months of 2009, on our website, in annual handout, and newsletters.

During the first 6 months of collection in 2010 violations (using plastic bags or incorrect cart) by our residents continued to be quite limited. As a courtesy we continue to empty the recycling cart, note the address, and mail recycling information in a letter to each address and property owner reviewing the changes.

Having residents recycle more material continues to be our goal. This has been achieved during the January-June collection period.

## RECYCLING COLLECTION STATS

### 2009 January-June

- Six (6) month curbside recycling collection  
435.83 tons
- Average per month 72.64 tons
- Daily average of 7.26 tons each day of collection
- Household average 2.28 pounds per day

### 2010 January-June

- Six (6) month curbside recycling collection  
579.23 tons
- Average per month 96.54 tons
- Daily average of 9.65 tons each day of collection
- Household average 3.03 pounds per day

These comparisons represent continued increases in the material our residents are recycling:

- Increase of 143.40 tons of recycling in the first six (6) months of 2010 versus the same 2009 time period.
- An increase of 23.90 tons collected per month
- An increase in household recycling of 7.51 pounds monthly.

The 96-gallon cart is functioning like we anticipated; the volume of the cart seems to be adequate for most households. Residents who have contacted our office regarding cart size being too small have been asked to use our recycling facility, put out an additional container, and to re-visit how they are utilizing the cart volume. A few calls were received regarding the cart being too large for the volume of recycling generated and for storage.

- Each route continues to have a number of stops with additional containers of recycling out for collection that require the operator to collect by hand.
- Maximum filled carts are common and pose other collection issues such as material falling from cart to ground that requires the operator to collect by hand and clean-up any mess.
- There has been a reduction in the volume of recyclable items received at the recycling center.
- For the residents who require more frequent collection we are continuing to look into a more frequent collection schedule or another recycling cart purchase option.

July 2010 Automated Single Stream Recycling Collection – continued

**PLASTIC BAG UPDATE**

- Recycling routes average 700 stops per day. We service 6363 carts during the monthly 2 week collection period.
- There were 258 violations in January for having plastic bags in the recycling cart.
- From February through June there were 360 plastic bag violations. Each address is mailed a letter regarding the elimination of plastic bags in the recycling stream. This has cut the number of addresses with repeat violation.
- Our goal is to have no plastic bags in the recycling carts.
- In January, we had 2 residents using the incorrect cart, using the larger brown recycling cart for refuse. This problem has continued into February through June. We mail information to the address where the error has occurred with hope the error will be corrected.

**VEHICLE UPDATE**

The collection process with our truck did come with some problems that have been addressed with the manufacture. The truck will meet our goals once these small issues are corrected.

- Slow operation of dumping mechanism
- Hydraulic leaks
- Programming problems

**REFUSE COLLECTION UPDATE**

**2009 January-June**

- Six (6) month automated refuse collection  
2109.70 tons
- Average per month 351.62 tons
- Daily average of 16.35 tons each day of collection
- Household average is 5.14 pounds of refuse per collection day

**2010 January-June**

- Six (6) month curbside recycling collection  
2098.57 tons
- Average per month 349.76 tons
- Daily average of 16.27 tons each day of collection
- Household average is 5.11 pounds of refuse per collection day

These comparisons represent continued decreases in the refuse generated by our residents:

- A decrease of 11.13 tons of refuse in the first six (6) months of 2010 versus the same 2009 time period.
- A decrease of 1.86 tons collected per month (2009 versus 2010).
- A decrease in household refuse of 0.58 pounds monthly.

CITY OF MENASHA  
ADMINISTRATION COMMITTEE  
Third Floor Council Chambers  
140 Main Street, Menasha  
July 6, 2010  
MINUTES

DRAFT

A. CALL TO ORDER

Meeting called to order by Chairman Wisneski at 6:57 p.m.

B. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Zelinski, Benner, Roush, Taylor, Wisneski, Langdon, Hendricks

EXCUSED: Alderman Englebert

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, Lt. Brunn, FC Auxier, DPW Radtke, C/T Stoffel, PHD Nett, Clerk Galeazzi, and the Press.

C. MINUTES TO APPROVE

1. [Administration Committee, 6/21/10](#)

Moved by Ald. Wisneski, seconded by Ald. Taylor to amend the minutes to add under Action Item D1 YMCA Senior Center Collaboration Proposal the discussion was opened to anyone from the gallery to speak and no one spoke.

Motion carried on voice vote.

Moved by Ald. Hendricks, seconded by Ald. Roush to approve the amended minutes.

Motion carried on voice vote.

D. ACTION ITEMS

1. [Due Process Hearing – The Bar at Lake Park LLC, d/b/a Sliders, 890 Lake Park Road](#)

Chairman Wisneski stated no one representing the Bar at Lake Park LLC was present.

Clerk Galeazzi reported the notice of the Due Process Hearing was delivered to The Bar at Lake Park LLC on June 30, 2010 by the Police Dept.

CA Captain reported the agent for the Bar at Lake Park LLC was found guilty by default for not having a licensed bartender on the premises. City ordinance requires 40 demerit points be assessed for this type of conviction.

Moved by Ald. Zelinski, seconded by Ald. Hendricks to assess 40 demerit points to the Bar at Lake Park LLC, d/b/a Sliders for conviction of City Ordinance 7-2-28 Failure to have a licensed bartender on premises.

Motion carried on voice vote.

2. [Agreement with Spielbauer Fireworks Co., Inc for fireworks programs on July 4, 2011 and July 4, 2012](#)

Mayor Merkes explained Request For Proposals were requested from three companies.

Spielbauer Fireworks submitted the best proposal. Some of the fireworks shells indicated in the proposal were swapped out for more intense fireworks for this year's show. He recommends going with the proposal that has the same type of fireworks shells used for this year's show. The contract will hold the pricing at the 2010 prices for the 2011 and 2012 years' shows.

Discussion ensued what is typically spent on fireworks and when past contract where signed. Comment was made to wait on this issue until after the upcoming Council workshop to discuss the 2011 budget.

Item will remain on agenda.

3. [Agreement with Wisconsin Department of Commerce for Manufactured Home Community Agent, July 1, 2010 – June 30, 2014, and authorize signature](#)

PHD Nett explained this is a renewal contract for the inspections of City's manufactured home park. This is typically a four year contract. Nothing has changed from previous contracts.

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

Motion carried on voice vote.

E. ADJOURNMENT

Moved by Ald. Hendricks, seconded by Ald. Roush to adjourn at 7:20 p.m.

Motion carried on voice vote.

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

CITY OF MENASHA  
Board of Public Works  
Third Floor Council Chambers  
140 Main Street, Menasha  
July 6, 2010  
MINUTES

A. CALL TO ORDER

Meeting called to order by Chairman Taylor at 7:21 p..m.

B. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Zelinski, Benner, Roush, Taylor, Wisneski, Langdon, Hendricks

EXCUSED: Alderman Englebert

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, Lt. Brunn, FC Auxier, DPW Radtke, PHD Nett, C/T Stoffel, Clerk Galeazzi and the Press.

C. MINUTES TO APPROVE

1. [June 21, 2010](#)

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

Motion carried on voice vote.

D. ACTION ITEMS

1. [Request to Amend Section 10-2-6\(g\)\(1\) of the Municipal Code Regarding Riding Bicycles on Sidewalks](#)

Discussion ensued on the request by a resident to reconsider the section of the code regarding bicycles on the sidewalks of the Racine Street Bridge. Sidewalks on both sides of the Racine Street Bridge are narrow. May want to consider requiring people to walk their bikes across the bridge. The roadway of the bridge is too narrow to add a bike lane.

DPW Radtke suggested conducting a 90-day trial of allowing bicycles on the sidewalks on both sides of the Racine Street Bridge.

Moved by Ald. Wisneski, seconded by Ald. Langdon to recommend a 90-day trial

Motion carried on voice vote

E. ADJOURNMENT

Moved by Ald. Langdon, seconded by Ald. Roush to adjourn at 7:34 p.m.

Motion carried on voice vote.

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

CITY OF MENASHA  
BOARD OF REVIEW  
Third Floor Council Chambers  
140 Main Street, Menasha  
June 8, 2010  
MINUTES

A. CALL TO ORDER

Clerk Galeazzi called the meeting to order at 10:07 a.m.

B. ROLL CALL/EXCUSED ABSENCES

PRESENT: Commissioners Bayer, Eckrich, Klundt, Rudolph, Zielinski

ALSO PRESENT: CA/HRD Captain, Mark Brown from Associated Appraisal,  
Clerk Galeazzi, Bob Nelson Court Reporter.

C. MINUTES TO APPROVE

1. [Board of Review, 6/9/2009](#)

Moved by Comm. Zielinski, seconded by Comm. Eckrich to approve minutes  
Motion carried voice vote

D. ACTION ITEMS

1. Select Chairman

Clerk Galeazzi opened the floor to nominations for Chairman of Board of Review.

Moved by Comm. Zielinski, seconded by Comm. Eckrich to nominate Comm. Bayer  
as Chairman.

Moved by Comm. Zielinski, seconded by Comm. Eckrich hearing no other  
nominations to close nominations.

Motion to close nominations carried on voice vote.

Motion to elect Comm. Bayer as Chairman carried on roll call 5-0.

Chairman Bayer took over the meeting.

2. Select Vice-Chairman

Chairman Bayer opened the floor to nominations for Vice-Chairman of Board of Review.

Moved by Comm. Klundt, seconded by Comm. Bayer to nominate Comm. Zielinski  
as Vice-Chairman.

Moved by Comm. Zielinski, seconded by Comm. Eckrich hearing no other  
nominations to close nominations.

Motion to close nominations carried on voice vote.

Motion to elect Comm. Zielinski as Vice-Chairman carried on roll call 5-0.

3. Clerk's Report – Certification of Board Members

Clerk Galeazzi reported the notice of the Board of Review meeting was published in the  
official City newspaper (Appleton Post Crescent) and posted at City Hall, Library, Utilities  
and Post Office.

Comm. Klundt, Eckrich, and Rudolph attended training on June 8 before the Board of  
Review and are certified until May 2012. Comm. Bayer and Zielinski are certified until  
May 2011.

4. Examine Assessor's Roll

Mark Brown from Associate Appraisals presented the Assessor's Roll for review  
and was signed by the Clerk. Questions/Answers/Discussion about the roll was held by  
Commissioners and Assessor.

5. Hearing Objections, Review, Board Determinations

Clerk Galeazzi explained the objection form for the first case was submitted to the Clerk's office less than 48 hours before the Board convened.

Moved by Comm. Zelinski, seconded by Comm. Bayer to waive the 48 hours and hear the case.

Motion carried on roll call 5-0.

Clerk Galeazzi read the case:

Neng Chue Thao, 1260 Southfield Drive, Menasha, Tax Key #7-00375-00

Land \$31,700, Improvements \$138,300, total \$170,000

Clerk Galeazzi swore in the property owner Neng Chue Thao (property owner), Blong Thao (agent for property owner) and Mark Brown (Assessor).

Neng Chue Thao, property owner, presented an appraisal done on the property on January 5, 2010. He purchased the property for \$148,000 from Community First Credit Union. The appraisal amount was \$154,000.

Mr. Thao referenced the comparable properties used in the appraisal. They were similar in square footage to his property and assessed lower. Some of the comparables used for the appraisal were not in the City of Menasha.

Commissioners and CA Captain asked questions of Mr. Thao.

Mark Brown, Assessor, presented the information he used to establish the assessed value of the property. Mr. Brown stated the property owner showed him the appraisal in February 2010 and asked for his property to be reassessed. Mr. Brown stated he did not agree with the appraisal because it did not use a cost approach and it was used for mortgage purposes.

Commissioners and City Attorney Captain asked questions of Mr. Brown.

The Board Deliberated.

Moved by Comm. Eckrich, seconded by Comm Zielinski that the current assessed value be maintained as the appraisal submitted by property owner was not an arm's length and the assessor presented more reliable comparable properties.

Motion carried on roll call 5-0.

Notice of Board of Review Determination was handed to the property owner.

6. Approve Minutes

Clerk Galeazzi read the minutes.

Moved by Comm. Zielinski, seconded by Comm. Eckrich to approve minutes.

Motion carried on roll call 5-0.

E. ADJOURNMENT

Moved by Comm. Zielinski, seconded by Comm. Eckrich to adjourn sine-die at 12:15 p.m.

Motion carried on voice vote.

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

Menasha aldermen occasionally attend meetings of this body. It is possible that a quorum of Common Council, Board of Public Works, Administration Committee, Personnel Committee may be attending this meeting. (No official action of any of those bodies will be taken).

**CITY OF MENASHA  
COMMITTEE ON AGING  
Menasha Senior Center  
116 Main Street, Menasha**

**May 13, 2010  
7:45 AM**

**MINUTES**

**A. CALL TO ORDER**

Meeting was called to order at 7:45am

**B. ROLL CALL/EXCUSED ABSENCES**

Present: Joyce Klundt, Mary Lueke, Sue Steffen, Roy Rogers, Lee Murphy, Sylvia Bull, Sue Nett and Jean Wollerman. Excused: Bob Jankowski

**C. MINUTES TO APPROVE**

1. Sue Steffen's name does not have an s at the end. Motion made by L. Murphy, seconded by M. Lueke to approve Special Meeting Minutes of April 28, 2010, with correction. Carried

**D. REPORT OF DEPT HEADS/STAFF/CONSULTANTS**

1. Financial Report – A report reflecting to-date information on MSC was distributed.
2. Senior Center Supervisor – (A) Three suggestions were recently in the suggestion box. S. Bull shared them with the CA members (B) In the month of May, The Spring Banquet is scheduled for May 11 and a presentation on Normal Aging; The 2<sup>nd</sup> quarter bingo party is scheduled in June; A presentation on Mary Todd Lincoln is planned for June 10. (C) S. Steffen and S. Bull attend the one-day WASC spring workshop in Stevens Point. It focused on fundraising efforts and proved to be useful.

**E. DISCUSSION**

1. J. Klundt and S. Steffen volunteered to continue their roles as Chairman and Vice Chairman respectively for the Committee on Aging for the 2010-2011 year. Motion to accept J. Klundt as Chair and S. Steffen as Vice Chair made by L. Murphy, seconded by M. Lueke. Carried.

**F. HELD OVER BUSINESS**

1. Memorial Account – Tom Stoffel, City of Menasha Comptroller, discussed this account with members. This account “sits on the City books”; is an “in and out” account used by the Menasha Senior Center only for long-term purchases benefiting all seniors; and purchases are voted on by the Committee on Aging.

Tom gave the balance as \$4,188.28 with no deposits made yet in 2010. S. Bull questioned this statement and said she would produce paperwork on the deposits made

"Menasha is committed to its diverse population. Our Non-English speaking population and those with disabilities are invited to contact the Menasha Senior Center at 920-3530-2490 in advance of the meeting for the City to arrange special accommodations."

this year so that Finance can make the appropriate adjustments. The account is not currently interest bearing. Tom said that it certainly can be placed in an interest bearing account. He would monitor it for MSC. A Certificate of Deposit has too many restrictions so a Money Market would make more sense.

Members also discussed the possibility of changing the name. Memorial account implies receiving monies upon someone's death. Changing the name to Legacy Account was proposed, which would make the account available to receive funds in honoring of someone's birthday, anniversary, etc. Motion made to place this account in a money market made by S. Steffen, seconded by L. Murphy. Carried. Motion made to change the name from Memorial account to "Legacy" account made by R. Rogers, seconded by S. Steffen. Carried. At the next meeting, the By-laws will need to be revised to reflect these changes.

2. Senior Center supervisor position update – S. Nett said that the Common Council, at their May 3 meeting, was receptive to the idea of collaborating with the N-M YMCA and approved looking into it. Proposals and discussions will follow involving all aspects of such a change prior to Common Council vote. S. Nett will keep CA members apprised.

#### G. ADJOURNMENT

Motion to adjourn made by L. Murphy, seconded by R. Rogers. Carried

Menasha aldermen occasionally attend meetings of this body. It is possible that a quorum of Common Council, Board of Public Works, Administration Committee, Personnel Committee may be attending this meeting. (No official action of any of those bodies will be taken).

**CITY OF MENASHA  
COMMITTEE ON AGING  
Menasha Senior Center  
116 Main Street, Menasha**

**June 10, 2010  
7:45 AM**

**MINUTES**

**A. CALL TO ORDER**

Meeting called to order 7:49am.

**B. ROLL CALL/EXCUSED ABSENCES**

Present: Bob Jankowski, Joyce Klundt, Roy Rogers, Mary Lueke, Sue Steffen, Sue Nett, Lee Murphy, Jean Wollerman and Sylvia Bull

**C. MINUTES TO APPROVE**

1. Motion to approve May 13, 2010, minutes made by S. Nett, seconded by R. Rogers.  
Carried

**D. REPORT OF DEPT HEADS/STAFF/CONSULTANTS**

1. Financial Report – S. Nett presented the expense report (January to-date) to committee members. She said that we are in a good position at this time.
2. Senior Center Supervisor – (A) The Fox Valley Eagles, Aerie #1063, gave the senior center a donation of \$200.00. This group is disbanding and dispersed some of its funds to area non-profits. (B) S. Bull reminded committee members of the Volunteer Appreciation event taking place on June 14 and hoped all members could attend. (C) The Living in 2010 one-day senior workshop is scheduled for Tuesday, October 5, in Oshkosh. (D) The highly anticipated 3<sup>rd</sup> quarter Bingo Party is scheduled for June 29, 1-3pm. Details and flyers will appear later in the year. (E) An “Interacting with someone affected with Dementia” presentation is schedule for July 29; and an Anemia Screening is planned for June 18.

**E. DISCUSSION**

1. By-laws revision – There currently is no mention of a memorial account in the Policies and Procedures manual for MSC. No revision is necessary. Committee members directed S. Bull to place a statement in the manual recognizing this account – now called “Legacy Account” – with an appropriate description.

The Menasha Senior Center’s Legacy Account is established to accept donations made: *In memory of ... In honor of ... In appreciation of ...* someone you wish to acknowledge. It will also accept funds as a *Birthday celebration for ...* or *Anniversary celebration for ...*

"Menasha is committed to its diverse population. Our Non-English speaking population and those with disabilities are invited to contact the Menasha Senior Center at 920-3530-2144 in advance of the meeting for the City to arrange special accommodations."

These funds are used for long-term purchases that will enhance the center and that will benefit all seniors. (Funds contributed can be earmarked for a specific use if so desired).

This account will be managed by the City of Menasha Finance Department under the direction of the Committee on Aging. All expenditures will be approved by the Committee on Aging.

**F. HELD OVER BUSINESS**

1. MSC & N-M YMCA collaboration update – both sides are preparing proposals. June 21 is the anticipated date for presentation before Administrative Committee with final vote before the Common Council July 6.

**G. ADJOURNMENT**

Motion to adjourn made by L. Murphy, seconded by B. Jankowski. Carried

REGULAR MEETING OF THE WATER AND LIGHT COMMISSION

June 23, 2010

**Draft**

Commission Secretary Watson called the Regular Meeting of the Water and Light Commission to order at 7:35 A.M., with Commissioners Joe Guidote and Don Merkes present on roll call. Also present were Melanie Krause, Co-General Manager/Business Operations; Dick Sturm, Co-General Manager/Engineering and Operations; Steve Grenell, Project Engineer; Kristin Hubertus, Business Operations Accountant; Lonnie Pichler, Electric and Water Distribution Supervisor; Dave Rodriguez, Customer and Utility Services Manager; Jerry Sturm, Water Plant Supervisor; John Teale, Technical Services Engineer; Mike Malmstead, Energy Services Representative, and the Press.

In the absence of Commission President Allwardt and Commission Vice President Fahrback, Commissioner Watson appointed Commissioner Guidote as Acting Secretary for this meeting.

Item II. People from the Gallery to be heard on any topic of public concern to the Utility:

Mary Nebel, 713 First Street, spoke regarding the environmental claims and the study of email systems being a fiscal decision not a political one.

Tom Stoffel, 1041 Garda Court, commented on the Common Council and City IT Committee endorsing the feasibility study of combining City and Utility IT departments, and requested the Commission also endorse the study.

Joanne Roush, 409 Cleveland Street, agreed with the comments made by Mr. Stoffel and spoke regarding both the City and Utility managing debt.

Item III. Motion made by Comm. Guidote, seconded by Comm. Merkes, was unanimous on roll call to approve the following:

- A. Minutes of the Regular Meeting of May 26, 2010.
- B. Approve and warrant payments summarized by checks dated May 27, and June 3 - 23, 2010, which includes Net Payroll Voucher Checks, Void O & M Checks 039849 & 039965, and Operation and Maintenance Voucher Checks for a total of \$737,857.10, and Operation and Maintenance Vouchers and Rebates to be paid prior to the next Regular Meeting. Motion approved unanimously on roll call.
- C. Correspondence, as listed.
  - Copy of Order dated May 17 from US District Court re: Lafayette Life Insurance co., Mercy Ridge, Inc., American Bank and all others similarly situated, vs City of Menasha, Menasha Utilities, and Menasha Steam Utility
  - Copy of letter dated May 20 to Carla Watson, Commissioner, from MEUW Executive Director Dave Benforado, re: Pillar of Public Power Award
  - Copy of 2010 MEUW Pillar of Public Power Awards
  - Copy of MEUW Safety Achievement Award for 2009

Copy of letter dated May 20 to Co-General Manager/Business Operations Krause from DNR Financial Assistance Specialist Jeanne Cargill, re: SDWLP Project No. 4845-06, Replace S Basin Scraper Chains & Flights at Water Plant

Copy of letter dated May 20 to Co-General Manager/Business Operations Krause from DNR Financial Assistance Specialist Jeanne Cargill, re: SDWLP Project No. 4845-05, Replace Mains on Arthur, Ida, Grove & 8<sup>th</sup> Streets

Copy of letter dated May 24 to Co-General Manager/Business Operations Krause from DNR Financial Assistance Specialist Jeanne Cargill, re: SDWLP Project No. 4845-07, Repair Sedimentation Basin Beams, Columns & Walls

Copy of letter dated June 3 to Co-General Manager/Engineering & Operations Dick Sturm, from Larry Landsness, DNR, re: Water System Facilities Plan and Specification Approval

Copy of Plaintiffs Motion dated June 7 from US District Court re: Lafayette Life Insurance co., Mercy Ridge, Inc., American Bank and all others similarly situated, vs City of Menasha, Menasha Utilities, Menasha Steam Utility, and RBC Capital markets Corp

Copy of letter dated June 11 to Co-General Manager/Business Operations Krause, from Mary Scoon, Staff Representative, AFSCME, re: Contract Negotiations

Copy of notice mailed June 15 from the Public Service Commission, re: Final Decision for Water Rates

Comm. Watson congratulated all staff involved in achieving the MEUW Safety Award, and Comm. Merkes congratulated Comm. Watson for her MEUW Pillar of Public Power Award.

Comm. Watson asked if staff had additional comments on the correspondence regarding Safe Drinking Water Loans. Co-General Manager/Business Operations Krause stated all projects were submitted as one project and the DNR separated three of them individually.

Item IV. May Financial and Operations Statement – there were no additional questions to the reports and summary memorandum included in the packet; the Commission accepted the May Financial and Operations Report as presented.

Item V. Claims Against The Utility – there were no claims discussed at this meeting. Mrs. Krause added there would be an update on the bondholder claim during the closed session portion of this meeting.

Item VI. Purchase Orders over \$10,000.00 issued since the last Commission meeting were presented for informational purposes.

Item VII. Unfinished Business, Taxroll/Landlord Ad Hoc Committee – Manager of Customer and Utility Services Rodriguez gave an update on the first meeting held June 15. Information on the billing and collection process was reviewed. The next meeting has been scheduled for July 13.

Update on Water Rate Case – Mrs. Krause reported the final decision on the water rate case was included in the correspondence. Rates became effective on June 16.

Item VIII. New Business, IT Department Feasibility Study – the motion by Comm. Merkes, seconded by Comm. Guidote was unanimously approved to direct staff to study the feasibility of a unified IT Department serving both the Utility and City departments. Comm. Merkes amended the original motion to include a report being completed by September 1; this was seconded by Comm. Guidote and unanimously approved.

Co-General Manager/Engineering and Operations Sturm stated both the WPPI Energy Purchase Agreement and PSC electric rate order includes situations such as this and a study should be reviewed with them prior to a decision being made and prior to the new electric rates becoming effective.

Review of City Attorney Services – Mrs. Krause reviewed the agreement by the Commission during the 2010 budget process to include a portion of the City Attorney costs in the Utility budget and to evaluate this issue in six months.

Mrs. Krause added City Attorney Captain has been spending time on the bondholder claim, and has reviewed one contract; there is no issue with the services provided.

Mayor Merkes asked if there were plans to have CA Captain be part of upcoming Utility contract negotiations. She will be participating in the City contract negotiations, and this might be a good opportunity to have similar contracts between the two entities. Comm. Guidote added it would be beneficial long term to see consistency between the labor contracts if CA Captain has the time available.

Evaluation of Water System Storage Needs – Water Plant Supervisor Jerry Sturm gave an update on the McMahon Study originally done in November 2009, and revised May 25, 2010 to include researching abandonment of the Manitowoc Street tower and modifications to the high lift system at an additional cost of \$1,000.

The motion by Comm. Merkes, seconded by Comm. Guidote, was unanimous on roll call to approve the revised agreement with McMahon Associates.

Removal and Replacement of Chiller Condensing Unit – Mr. Rodriguez reviewed the bid tabulation for removal and replacement of the chiller condensing unit at the office complex which was an approved budget item for this year.

Staff recommendation would be to award the bid to Central Temperature Equipment for the chiller installation and All Systems Insulation for the re-insulation of the newly installed piping.

The motion by Comm. Merkes, seconded by Comm. Guidote, was unanimous on roll call to approve awarding the bid to Central Temperature Equipment for the chiller installation at the bid quote of \$33,529.00 and to All Systems Insulation for the re-insulation of the newly installed piping at the bid quote of \$600.00.

Fire Alarm System Upgrade – Mr. Rodriguez stated this item was not a budgeted item for 2010, but this issue was discovered during the annual testing. The current system has been in place for 10 years and the cost is greater to test the alarms than to replace the system.

Staff recommendation is to award the contract to Faith Technologies Electrical Contractors to install the new fire alarm system. Funds to cover the cost of this project would come from funds budgeted to upgrade the chiller which came in under the budgeted amount, and from the annual tools and equipment budget.

Comm. Merkes stated he would abstain from voting on this issue because of family members being employed at Faith Technologies. Because there is not a quorum to vote on this issue, a special meeting could be scheduled.

Item IX. Project Reports, UV Certification – Mr. Jerry Sturm reported Trojan is in the process of reprogramming the system to comply with DNR specifications.

WPPI Energy Transaction – Mrs. Krause stated staff is continuing to work on various legal pieces; there are less than 10 easements that need to be signed.

Item X. Staff Reports, Co-General Manager/Engineering and Operations and Electric and Water Distribution/Safety Report – there were no additional questions to the reports presented.

Water Plant – Mr. Jerry Sturm added Lake Winnebago water is extremely clear so far this year. There have been minor issues with taste and odor, but staff has been able to handle them very well.

Comm. Merkes inquired about the soda ash system; Mr. Jerry Sturm stated the soft water line has been installed and this is being utilized to dilute the soda ash into a solution giving a better solution factor.

Project Engineer and Telecommunications & Substations– there were no additional questions to the reports presented.

Co-General Manager/Business Operations – Mrs. Krause requested time for a bargaining discussion with the Commission next month, and this could be scheduled as a special meeting that would include the fire alarm upgrade.

Customer and Utility Services and Energy Services Representative/Key Accounts – there were no additional questions to the reports presented.

Item XI. People from the Gallery to be heard on any items discussed at this Meeting:

Joanne Roush, 409 Cleveland, spoke on the possibility of legal counsel being available for the Ad Hoc Committee members during their meeting.

Mary Nebel, 713 First Street, commented on receiving an update on the claims and litigation expenses.

Item XII. The motion by Comm. Guidote, seconded by Comm. Merkes, was unanimously approved at 8:15 a.m. to convene into Closed Session pursuant to Section 19.85 (1) (g) of the Wisconsin Statutes for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. RE: Litigation

By: CARLA R. WATSON  
Secretary

JOSEPH P GUIDOTE  
Acting Secretary

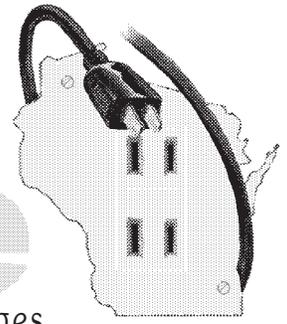
NOTE: THESE MINUTES ARE NOT TO BE CONSIDERED OFFICIAL UNTIL ACTED UPON AT THE NEXT REGULAR MEETING, THEREFORE, ARE SUBJECT TO REVISION.

A Coalition  
to preserve  
Wisconsin's  
Reliable and  
Affordable  
Electricity

# Customers First!

## the Wire

Plugging you in to electric industry changes



608/286-0784 • P.O. Box 54 • Madison, WI 53701 • www.customersfirst.org • JULY 2010 • Vol. 15, No. 7

## Wisconsin lands efficiency grants

Nearly \$8 million in federal stimulus funds will come to Wisconsin businesses and educational institutions to help finance research into energy efficiency technologies, the U.S. Department of Energy (DOE) has announced.

It works out to a pretty impressive haul for the state, since the total awarded by the DOE nationwide was \$76 million—meaning Wisconsin captured more than 10 percent of the entire pool of funds.

Prominent among those sharing in the grant money are Johnson Controls, Eaton Corporation, the University of Wisconsin, and Milwaukee Area Technical College.

The list of projects includes research and development into making commercial and residential buildings more energy efficient and making it easier to control their energy usage, curriculum development for training building management personnel to oversee efficient energy use, and training programs designed to build energy efficiency management as a specialized career path. 

## Connecticut energy bill gets veto

Wary of unintended consequences, Connecticut Governor Jodi Rell vetoed the far-reaching energy bill state lawmakers approved this spring as a remedy to the nation's highest electricity rates. Rell said she feared the legislation would drive rates even higher.

While the governor conceded the bill was a "well-intentioned effort," she remained leery of claims by its proponents that it would result in Connecticut electricity prices falling 15 percent over the next several years.

"These claims are eerily reminiscent of the claims made about the electric industry deregulation bill which was presented some years ago as a panacea for Connecticut's energy problems," Rell wrote in her veto message to the secretary of state and Legislature.

"After a decade of exorbitant prices, however, that bill has yet to deliver on its promises," she added.

The governor also complained of a lack of transparency in development of the final legislative package.

It was "cobbled together," in the words of a *Hartford Courant* editorial, in the closing days of a legislative session dominated by problems balancing the state's budget and, as Rell noted, it was "emergency certified," accelerating its movement through the Legislature so there was no public hearing on the final package.

That, in the governor's view, made the legislation "unfair to the people of Connecticut whose electric bills and taxes would

## Power-plant conversion to biomass advances

The University of Wisconsin Board of Regents last month gave a green light to the quarter-billion dollar conversion of an old coal-fired power plant on the Madison campus to burn biomass instead, with a targeted completion date of 2013.

The intention is that the biomass fuel will be obtained from waste products, including waste wood and waste from crop production. Concerns about volatility in the price of natural gas moved the University to reject a gas-fired power plant, an option they identified as significantly cheaper to build and bring on-line.

One choice the U-W *didn't* have was to continue operating the half-century old Charter Street plant as is. The changeover is the result of a legal settlement with the federal government to comply with air pollution regulations. The Sierra Club a few years ago sued the state over the plant's air emissions and environmental organizations had been on the offensive over runoff from the plant's coal pile contaminating

the city's stormwater system with heavy metals.

Unresolved issues included where the biomass fuel will be obtained and how it will be delivered to and processed at the plant a few blocks west of the Madison isthmus. Sentiment among the regents seemed to be that building a biomass plant would stimulate development of an industry to supply the plant's fuel needs.

Final word on the project is up to the State Building Commission, which needs to give its approval before work can move forward. 



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

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



## KEEPING CURRENT

With CFC Executive Director Matt Bromley



The massive oil spill in the Gulf of Mexico may bring back to life energy and climate legislation that many considered dead in Congress. President Obama even used his first address from the Oval Office to speak to the nation about the oil spill and called on Americans to “seize the moment” and end our addiction to fossil fuels. But will the disaster in the Gulf be enough to resuscitate the energy debate in Congress?

Little has happened since the House of Representatives narrowly passed the Waxman-Markey climate change bill last year. The bill would mandate an 83-percent reduction of greenhouse gas emissions by 2050 from 2005 levels, establish a renewable energy standard, and—perhaps its most contentious provision—create a carbon cap-and-trade system. The Senate hasn't acted on Waxman-Markey mainly because of disagreement over cap-and-trade.

After a year of letting the issue simmer, a tri-partisan team of Senators John Kerry (D-MA), Joe Lieberman (I-CT), and Lindsey Graham (R-SC) developed a proposal aimed at achieving broader support. It keeps the same carbon-reduction targets as Waxman-Markey but also provides a \$54 billion nuclear loan-guarantee program, allows more offshore drilling, and establishes a cap-and-trade program with price controls. Yet, in a sign of how fragile political alliances can be and the challenge of achieving broad support for energy legislation, Graham withdrew his backing for the bill he put together with Kerry and Lieberman and signed onto a competing bill by Senator Richard Lugar (R-IN) that does not include cap-and-trade.

To make the prospects of anything being done even more daunting, several other proposals are now floating around the Senate—all of which are vying for the 60 votes needed to break a filibuster. On a parallel track with congressional action, the Environmental Protection Agency is set to proceed with its own rules. Last year, the EPA issued a finding that greenhouse gas emissions endanger human health and thus can be regulated under the federal Clean Air Act. The EPA just issued standards limiting greenhouse gas emissions for cars and light trucks but has said that no stationary sources, such as power plants, will be required to get Clean Air Act permits that cover greenhouse gases before January 2011. So, it may not be the oil spill that inspires Congress to act after all, but rather the threat of a government agency setting the nation's energy priorities that does. 💡



Bromley

## Summer in San Diego

Ah, those Sempra companies. Last month it was parent company Sempra Energy settling with the State of California in litigation over power-market manipulation a decade ago. Now it's subsidiary San Diego Gas and Electric (SDGE) concluding that the answer to wildfires—in which its maintenance practices have been identified as a contributing factor—is to shut off the electricity when the weather gets too windy and dry.

To be clear, existing regulatory practice allows the utility to cut off power in extreme windy conditions. But in 2009, state regulators said no to SDGE's request for a lesser threshold to shut down transmission and be held immune from liability when that happens.

A June report in Escondido's *North County Times* pointed out the rather surprising datum, attributed to an SDGE spokeswoman, that the

company's equipment is designed to withstand winds up to 56 miles per hour. It also noted that in some areas SDGE has installed more robust poles able to stand up to stronger winds.

State officials investigating three destructive wildfires in 2007 faulted SDGE for inadequate inspection and maintenance and for hanging too much equipment on aging power poles, increasing the risk of energized lines contacting tinder-box vegetation.

In the current controversy the *North County Times* quoted one county supervisor saying, “There's a serious trust issue with SDGE. Some think SDGE will use their longtime authority to shut down more often than they should. It's something we all need to keep our eye on, to make sure they're not abusing their authority.” 💡

# Failed voter initiative brings call for curbs

People concerned about the influence of money in politics can take some solace in the defeat of California Proposition 16—despite Pacific Gas and Electric (PGE) spending \$46 million promoting the initiative.

That's an early number. In the weeks since last month's rejection of the ballot measure, estimates have climbed as high as \$50 million. But the really striking number is the amount spent by *opponents* of Prop. 16: by most accounts barely \$100,000. That comparatively trifling expenditure was sufficient to produce a 53-47 percent win.

Had voters approved the initiative, it would have become illegal in California for any

public agency to get into the retail electricity business without voter approval by a two-thirds majority. The practical effect would have been to make it far more difficult than under current law to establish a municipal utility.

PGE and the proponents of Prop. 16 made the not-unreasonable-sounding argument that taxpayers should have a say in a decision by their local government to go into the utility business. However, others saw the proposal as a ploy by the incumbent utility to protect its turf from extensions of service by municipals and to wall off competition from municipalities acting as aggregators buying or producing power on behalf of retail customers.

In the weeks following the vote, at least two California lawmakers introduced bills placing new restrictions on businesses spending money to support or oppose individual candidates or ballot measures.

One bill would mandate corporations reporting annually to shareholders on political spending and give shareholders the option of obtaining reimbursement for their share of the expenditures if they decline to support them. Opponents point out that such reporting is already required. However, reimbursement is not currently an option. 💡

## Bracing for impact

Though Pennsylvania boarded the electric restructuring bandwagon back in the mid-1990s, the full effect still hasn't been felt statewide. Retail rates for individual utilities have been capped, with caps expiring at different times.

Now Philadelphia city government is preparing for its power provider's rate cap to come off.

Last month the city council created an energy authority. The five-member panel, created by a unanimous council vote, would free the city from restrictions on long-term contracting so it can form energy purchasing pools or become involved in alternative energy projects.

Rejected along the way was a proposal to organize the authority as a cooperative that would buy electricity for resale to end-use customers. It will not become a retail power provider, city officials said.

The incumbent utility serving the city is Peco Energy. Peco's rates, capped at 1996 levels under Pennsylvania's electric restructuring law, will be uncapped at the end of this year. Rates are expected to rise about 10 percent, which would be an extraordinarily modest jump compared with what's happened to retail rates for other utilities and in other states where legislated rate caps have expired.

Consumers would be free to switch to a different power supplier, though they would continue to receive distribution and other customer services through Peco. The great unknown in such situations has always been how many providers choose to serve small-volume residential customers, a potentially determinative factor in how much of a moderating effect competition will have on price.

A report in the *Philadelphia Inquirer* noted last month that competition for residential business might be less than furious given that Peco's commercial and industrial accounts—only 10 percent of its customers—buy 56 percent of the electricity it sells.

City government, the *Inquirer* said, has an annual electric bill of about \$65 million, providing a powerful incentive for the new authority to try to negotiate more favorable rates. 💡



## Energy saver tip

If you're planning to be away on vacation this summer, remember an empty house is unlikely to require the same level of climate control that's needed when you're at home. Set air conditioning equipment to allow a higher temperature while you're away. Adjust the water heater to cut back its running time. Closed curtains or drapes will help keep temperatures stabilized. Used in tandem with a few automatic timers controlling lamps, they'll help keep your home safe from unwanted attention during your absence. 💡

## Veto

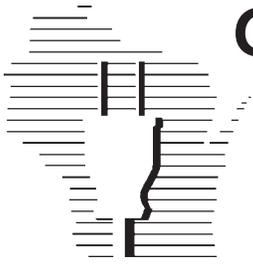
Continued from page 1...

surely be affected."

Others saw it differently. Environmental groups and Connecticut Attorney General Richard Blumenthal, among others, criticized the veto, saying it favored utilities and energy companies at the expense of the state's conversion to a green energy economy.

In addition to promising lower electric rates, the bill contained incentives for solar energy and energy conservation and cut electric rates for lower income groups.

It would also have reorganized state oversight of utilities, creating a new Division of Public Utility Control within the Connecticut Energy and Technology Authority, which would have supplanted the existing Public Utilities Control Authority. 💡



# Customers First!

P.O. Box 54  
Madison, WI 53701

A **Coalition**  
to preserve  
Wisconsin's  
Reliable  
and Affordable  
Electricity

Be sure  
to check out the  
Customers First!  
web site at



**[www.customersfirst.org](http://www.customersfirst.org)**



## Quotable Quotes

*“We cannot repeat the mistakes of the past. I cannot approve the sweeping changes in this bill without fully knowing the effect they will have on the energy market, our state’s economy and ratepayer bills.”*

—Outgoing Connecticut Governor Jodi Rell, spelling out her reasons for vetoing legislation supporters said would reduce electricity rates, in her veto message, May 25, 2010

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

**Customers First!**  
Plugging Wisconsin In



**Jeffrey Riedl**  
**408 Appleton Street**  
**Menasha, WI 54952**

To: Council  
From: Mayor

July 5, 2010

Alderman Michael Taylor  
545 Broad St.  
Menasha, WI 54952

Alderman Taylor,

I am writing in advance of what I anticipate will be a request made to the city for an Outdoor Beer Garden license and / or a variance from the Outdoor Beer Garden ordinance passed in the last couple of years. In the July 2 crime reporter, I note that the City Limits Bar had several patrons out on their new deck with open containers without permit for an Outdoor Beer Garden. (See MP10-002259).

Hopefully the Menasha PD will step up enforcement efforts in whatever way possible so the patrons don't get the idea that the deck is there to sit and have a beer while smoking outdoors. The noise from bar patrons yelling profanities over the years has been enough when the deck was not in place, now that it is there I cannot imagine our neighborhood will be getting any more peaceful in the night time hours. Having customers out on the deck will only encourage more activity between those 'in' and those 'out' in the parking lot or on the street. Not an attractive prospect for neighboring residences or their property owners.

I'm sure you are well aware that I have, for several years now, been critical of the city's long and grim track record for allowing "whatever / wherever" without regard to the impact of business operations on the neighboring residents or on the value of their property as a result of these operations. Cases in point, the bar in question, the pallet and crate making business which was operating east of Appleton Street south of the tracks with their incessant radio blasting, barn fans running and air-gun popping throughout the night, and now Alliance Coatings 'spray booth', heavily dropped loads from the fork lift, and clanging of metal products being processed which operates 24/7 as business dictates. Selling a property these days is tough enough – having more negative influences from nearby businesses makes it even less likely that we can recoup the original purchase price from 15 years ago, much less make up for inflation, improvements, and the property taxes paid over those years.

I cannot, in good conscience, allow my neighborhood (and consequently my property value) to be further deteriorated by the peripheral issues which would arise should such an ordinance or variance be granted for an outdoor beer garden at the City Limits. Should the city grant such a privilege to this business, I will have no choice but to seek legal remedy for the intentional damage brought upon our neighborhood by the city and the consequential distress brought upon my property's value in the marketplace. I would not at all be surprised if other neighbors may join me in class action regarding this matter.

Regards,

Jeff Riedl

cc: Mayor Don Merkes  
cc: Menasha Police Dept. c/o Aaron Zemlock (by e-mail)  
cc: City Clerk Debbie Galeazzi (by e-mail)

# WISCONSIN LEGISLATURE

---

July 8, 2010

Debbie Galeazzi, WCMC, City Clerk  
City of Menasha  
140 Main Street  
Menasha, WI 54952

RECEIVED

JUL 12 2010

CITY OF MENASHA  
BY dg

Dear Debbie:

Thank you for recently contacting our offices regarding implementation of the state wide workplace smoking ban, which went into effect July 5, 2010.

As you may know, the new law generally prohibits smoking in enclosed public places and places of employment including restaurants and taverns. Sheriffs and municipal police officers may issue citations if they observe someone smoking where it is not permitted and they may respond to citizen complaints or when notified by the person in charge of a facility. Likewise, municipalities still have the authority to adopt an ordinance to regulate smoking locally if it applied and enforced in ways that comply with the state law. As with any other ordinance or legal question, the Common Council should consult with its legal counsel for guidance.

For further information and guidance, we are enclosing the following documents: 1) an Information Memorandum prepared by the Wisconsin Legislative Council; 2) a Legislative Brief prepared by the Legislative Reference Bureau; 3) an Advisory Memorandum prepared by the Department of Justice; 4) a notice from the Department of Commerce regarding its minimal involvement in implementation of the law; 5) a Legal Note from the League of Municipalities; and 6) an informational letter to its members from the Wisconsin Tavern League.

Thanks again for contacting us on this matter. We hope you find the enclosed information helpful.

Sincerely,



MICHAEL G. ELLIS  
State Senator  
19<sup>th</sup> Senate District



DEAN R. KAUFERT  
State Representative  
55<sup>th</sup> Assembly District

Enclosures



## WISCONSIN LEGISLATIVE COUNCIL INFORMATION MEMORANDUM

### Smoking Ban

The Wisconsin Legislature, in the 2009-10 Legislative Session, enacted 2009 Wisconsin Act 12, which prohibits smoking in several enclosed places and other places, and specifies exceptions to the prohibition. Act 12 included several definitions, one of which, "substantial wall," was later modified by 2009 Wisconsin Act 276. Summaries of Acts 12 and 276 are available at the Legislative Council website at: [www.legis.state.wi.us/lc](http://www.legis.state.wi.us/lc). This Information Memorandum summarizes the provisions of Act 12, with the definition change made by Act 276. In addition, it addresses a number of frequently asked questions.

#### **DESCRIPTION OF THE SMOKING BAN LAW**

##### ***AREAS WHERE SMOKING IS PROHIBITED***

As of July 5, 2010, smoking is prohibited in the following enclosed places:

1. The State Capitol.
2. Residence halls or dormitories owned or operated by a college or university.
3. Day care centers.
4. Educational facilities.
5. Inpatient health care facilities (includes hospitals, county homes and county infirmaries, nursing homes, hospices, the Wisconsin veteran's home, and treatment facilities).
6. Theaters.
7. Correctional facilities.
8. State institutions.
9. Restaurants.
10. Taverns.

IM-2010-07

11. Private clubs (a facility used by an organization that limits its membership and is organized for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose).
12. Retail establishments.
13. Common areas of multiple unit residential properties.
14. Lodging establishments (a bed and breakfast, hotel, or tourist rooming house).
15. All enclosed places, other than those listed above, that are places of employment or public places.
16. Government buildings.

An "enclosed place" is a structure or area that has a roof and more than two substantial walls. 2009 Wisconsin Act 276 amended the definition of "substantial wall" to be a wall with no opening or with an opening that either does not allow air in from the outside or that is less than 25% of the wall's surface area.

A "place of employment" is any enclosed place that employees normally frequent during the course of employment, such as an office, a work area, an elevator, an employee lounge, a restroom, a conference room, a meeting room, a classroom, a hallway, a stairway, a lobby, a common area, a vehicle, or an employee cafeteria.

A "public place" is an enclosed place that is open to the public, regardless of whether a fee is charged or a place to which the public has lawful access or may be invited.

#### ***PROHIBITION ON SMOKING IN OUTSIDE AREAS***

Act 12 makes no changes to the specific prohibitions in the law on smoking outside. These places are as follows:

1. Within six feet of the State Capitol.
2. On the premises of a day care center when children are present.
3. On the grounds of a Type 1 juvenile correctional facility.
4. Within 25 feet of any University of Wisconsin (UW)-System residence hall or dormitory.

Act 12 also specifically prohibits smoking in sports arenas, bus shelters, and public conveyances regardless of whether they meet the definition of "enclosed place."

#### ***DESIGNATION OF SMOKING AREAS***

Act 12 eliminates the ability to designate smoking areas in enclosed indoor locations.

### **EXEMPTIONS**

The statutes do not prohibit smoking in the following areas:

1. Private residences.
2. Certain residence rooms in assisted living facilities, if occupied by one person, or by two or more people if each person living in the room smokes and has made a written request for permission to be placed in a smoking room. Assisted living facilities are community-based residential facilities, residential care apartment complexes, and adult family homes.
3. A retail tobacco store or tobacco bar that is in existence as of June 3, 2009, and in which only the smoking of cigars and pipes is allowed.

A tobacco bar is a tavern that generates 15% or more of its annual gross income from the on-premises sale of cigars and tobacco for pipes. Vending machine sales are not included in this percentage.

A tobacco store is a retail establishment that does not have a Class B liquor or beer license and generates 75% or more of its gross annual income from the sale of tobacco products and accessories. Cigarette sales are not included in this percentage.

### **REQUIREMENTS PLACED ON PERSONS IN CHARGE**

Act 12 requires that persons in charge of places where smoking is prohibited enforce the prohibitions by taking certain steps to ensure compliance, such as not providing ashtrays and matches; posting "no smoking" signs; asking a person to stop smoking; asking a person who is smoking to leave; refusing to serve the person if the place is a restaurant, tavern, or private club; and notifying law enforcement if the person does not leave after being requested to do so.

### **LOCAL AUTHORITY TO REGULATE SMOKING**

Under Act 12, counties, cities, villages, and towns retain their authority to enact ordinances, and school districts retain authority to adopt policies that, complying with the purpose of the Act, protect the health and comfort of the public. The Act makes one new change to this local authority. Under the Act, if a county, city, village, or town enacts any ordinance regulating or prohibiting **outside** smoking, the ordinance may apply **only** to public property under the entity's jurisdiction. In addition, the ordinance **must** provide that the person in charge of a restaurant, tavern, private club, or retail establishment location in an area subject to the ordinance may designate an outside area that is within a reasonable distance from any entrance to the establishment where customers, employees, and other associated persons may smoke. The ordinance may not define the term "reasonable distance" or set any specified measured distance as being a "reasonable distance."

### **RULE-MAKING**

The Department of Commerce must promulgate rules that specify uniform dimensions and other characteristics of the signs that are required to be posted by persons in charge of places where smoking is prohibited. The department must also arrange with the Department of

Administration to have no smoking signs prepared and made available for use by state agencies.

***ENFORCEMENT***

Local police and sheriff's departments have the power and duty to enforce the smoking ban. In addition, the state Department of Justice is authorized to enforce the smoking ban and is invested with the powers conferred by law upon sheriffs and local police officers to enforce the law.

In addition, state or local officials or any affected party may institute an action in any court with jurisdiction to enjoin repeated violations of the smoking prohibition.

***PENALTIES***

Act 12 establishes a forfeiture for violation of the smoking prohibition of not less than \$100 nor more than \$250 for each violation.

Act 12 provides that anyone in charge who violates the "person in charge" provisions is subject to a forfeiture of \$100 for each violation. However, the Act requires that a warning notice be issued for the first violation, and provides that no forfeitures may exceed \$100 in total for all violations occurring on a single day.

Act 12 also provides that neither a municipality nor the Department of Revenue may consider an arrest or conviction for a violation of the law setting forth the responsibilities of persons in charge in any action to revoke, suspend, or refuse to renew a Class B liquor or beer license or permit.

## **FREQUENTLY ASKED QUESTIONS**

### ***WHAT IS CONSIDERED AN ENCLOSED PLACE UNDER THE LAW?***

Act 12 prohibits smoking in a number of specified places that are enclosed and in other enclosed places that are places of employment or public places (with certain limited exceptions). The Act also prohibits smoking in limited outdoor areas, such as near dormitories or the State Capitol, and in sports arenas, bus shelters, and public conveyances.

For purposes of this prohibition, "enclosed place" is defined as a structure or area that has a roof and more than two substantial walls. Under Act 12, as modified by Act 276, a substantial wall is a wall with no opening or an opening that either does not allow air in from the outside or that is less than 25% of the wall's surface area.

### ***HOW DOES THE LAW TREAT LOCAL ORDINANCES?***

The new law does not change the current general authority of a local unit of government to enact ordinances regarding smoking other than to limit its ability with respect to outdoor smoking. Local units of government will have the same authority to regulate indoor smoking that they had prior to Act 12. Namely, they can enact ordinances (or school districts can adopt policies) that, complying with the purposes of the state law, "protect the health and comfort of the public."

The new law allows local ordinances or school district policies that regulate smoking outside to apply only with respect to public property under the jurisdiction of the county, city, village, town, or school district. However, a restaurant, tavern, private club, or retail establishment may designate an outside area that is such public property that is a reasonable distance from the entrance as an area where customers, employees, or persons associated with the facility may smoke. An ordinance may not define "reasonable distance" or set any specified measured distance as being a reasonable distance.

Local units of government may determine the amount of forfeitures for violations of their ordinances, as long as the ordinance, complying with the purpose of the state law, protects the health and comfort of the public.

### ***HOW ARE VEHICLES THAT ARE USED IN EMPLOYMENT TREATED UNDER THE LAW?***

"Place of employment" is defined by the Act as any enclosed place that employees normally frequent during the course of employment, and then lists several places that are included in the definition. The definition explicitly includes vehicles, so vehicles are considered to be a place of employment if employees are using them during employment.

The term "enclosed place" means a structure or area that has a roof and more than two substantial walls. While the interior sides, front, and back of a vehicle are not typically referred to as walls, the only way to give meaning to the listing of vehicles in the definition of "place of employment" is to treat them as walls. Even if the windows on both the driver's side and the passenger's side are fully open, it is possible that they are less than 25% of the walls' surface area in most vehicles. If that is the case, then the sides would be substantial walls of the vehicle, and smoking would not be permitted in the vehicle.

***DOES THE LAW REQUIRE RULE-MAKING BY A STATE AGENCY?***

The only rule-making provided for in current law and Act 12 are: (1) the requirement that the Department of Commerce promulgate a rule that specifies uniform dimensions and other characteristics of the signs relating to smoking; and (2) the requirement that the Department of Administration promulgate a rule that specifies what constitutes the area directly adjacent to the State Capitol for purposes of the prohibition on smoking in that area.

***WHAT TYPES OF LODGING ESTABLISHMENTS ARE COVERED BY THE SMOKING BAN?***

Act 12 prohibits smoking in several enumerated enclosed places, including lodging establishments. The term "lodging establishment" is defined to mean a bed and breakfast establishment, a hotel or motel, or a tourist rooming house, all of which are defined in current law. All of these types of facilities are regulated by the Department of Health Services (DHS). Rental cabins are regulated by DHS since they fall within the current definition of "hotel" or "tourist rooming house" and are therefore "lodging establishments" under Act 12.

***HOW ARE OUTDOOR SPORTING VENUES TREATED UNDER THE LAW?***

While Act 12 specifies several enclosed areas in which smoking is prohibited, it also prohibits smoking in a sports arena, regardless of whether all or part of the arena is enclosed. The term "sports arena" is defined as any stadium, pavilion, gymnasium, swimming pool, skating rink, bowling center, or other building where spectator sporting events are held.

This memorandum is not a policy statement of the Joint Legislative Council or its staff.

This memorandum was prepared by Laura Rose, Deputy Director, and Richard Sweet, Senior Staff Attorney, on June 4, 2010 (revised July 1, 2010).

---

**WISCONSIN LEGISLATIVE COUNCIL**

One East Main Street, Suite 401 • P.O. Box 2536 • Madison, WI 53701-2536

Telephone: (608) 266-1304 • Fax: (608) 266-3830

Email: [leg.council@legis.state.wi.us](mailto:leg.council@legis.state.wi.us)

<http://www.legis.state.wi.us/lc>



---

# Legislative Briefs

from the Legislative Reference Bureau

---



Legislative Brief 09-1

May 2009

## INDOOR SMOKING BAN IN WISCONSIN

Beginning July 5, 2010, smoking will be generally prohibited in public places and workplaces, whether publicly or privately owned, including taverns and restaurants. Until then, Wisconsin's current Clean Indoor Air Act will remain in effect, as well as ordinances restricting workplace smoking which have been enacted in 35 state municipalities, including Eau Claire, Kenosha, La Crosse, Madison, and Oshkosh.

2009 Wisconsin Act 12, which was signed into law by Governor Doyle on May 18, 2009, addresses the growing concern in the state and nationally over the health hazards associated with tobacco use and the effects of secondhand smoke. Wisconsin joins 32 other states with indoor smoking bans, including the neighboring states of Illinois, Iowa, and Minnesota.

### CURRENT CLEAN INDOOR AIR LAW

Under the current Clean Indoor Air Act [Section 101.123, Wisconsin Statutes], originally created by 1983 Wisconsin Act 211, smoking is generally completely prohibited in hospitals, motor buses, day care centers where children are present, and a few other places. Smoking is also prohibited, except in designated areas, in indoor locations such as government buildings, offices, restaurants, schools, retail establishments, movie theaters, community-based residential facilities, and nursing homes. Exempted from the ban are places such as taverns, bowling centers, rooms where the main occupants are smokers, and manufacturing facilities. Persons who illegally smoke after being warned by an official or employee of a facility are subject to a \$10 fine.

### 2009 WISCONSIN ACT 12

Act 12 generally prohibits smoking in enclosed public places and places of employment. Key definitions in the law:

- "Smoking" means burning or holding, or inhaling or exhaling smoke from a lighted cigarette, cigar, pipe, or any other lighted smoking equipment.
- "Enclosed" means a structure that has a roof and more than two substantial walls.
- A "public place" is defined as a place that is open to the public, regardless of whether a fee is charged, or a place to which the public has lawful access or may be invited.
- A "place of employment" is any indoor place that employees normally frequent during the course of employment, including an office or work area, an employee lounge, a restroom, a conference or meeting room, a classroom, or a hallway.

The following questions and answers explain the details of the new smoking ban [s. 101.123], which will take effect on July 5, 2010.

### Where is indoor smoking banned?

Smoking will not be allowed in any of the following enclosed places: places of employment, public places, state or local government buildings, taverns, restaurants, bowling centers, theaters, lodging establishments, retail establishments, day care centers, educational facilities, correctional facilities, state institutions, college residence halls or dormitories, hospitals and clinics, assisted living facilities, common areas of multiple-unit residential properties, sports arenas, bus shelters, public conveyances, and private club facilities (those used by an organization that limits its membership and is organized for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose.)

In addition, persons may not smoke in the immediate vicinity (within six feet) of the State Capitol, on the premises of an in-use day care center, on the grounds of juvenile correctional facilities, or within 25 feet of a University of Wisconsin System residence hall or dormitory.

---

Prepared by Clark Radatz and Dan Ritsche,  
Senior Legislative Analysts

Reference Desk: (608) 266-0341  
Web Site: [www.legis.state.wi.us/lrb](http://www.legis.state.wi.us/lrb)

**Where is indoor smoking allowed?**

The ban on smoking does not apply in:

- A private residence;
- A retail tobacco store or tobacco bar in existence on June 3, 2009;
- A room used as a residence by only one person in an assisted living facility or such a room in which all occupants have requested in writing to be allowed to smoke; and
- Tribal casinos or facilities (due to tribal sovereignty provided under federal law).

**May indoor smoking areas be set aside?**

**No.** Act 12 repeals the authority of a person in charge of a building to designate rooms or parts of rooms as smoking areas.

**May local governments enact smoking ordinances?**

**Yes.** Counties, cities, villages, and towns may enact ordinances, and school districts may adopt policies that, complying with the purpose of the law, protect the health and comfort of the public. Any such rule regulating or prohibiting outside smoking in certain areas may apply only to public property under the jurisdiction of the governmental unit.

**May businesses provide outdoor smoking areas?**

**Yes.** Outdoor smoking areas may be designated by taverns, restaurants, private clubs, or retail establishments that are a "reasonable distance" from any entrance to the facility so that customers, employees, and others associated with the business may smoke. A municipal smoking ordinance may not define the term "reasonable distance," nor may it specify a minimum measured distance.

**What is the penalty for illegal smoking?**

A person who smokes where it is prohibited is subject to a forfeiture of not less than \$100 nor more than \$250 for each violation.

If the person in charge of a facility fails to take any required action to stop illegal smoking, he or she is subject to a forfeiture of \$100 for each violation, but no more than one penalty per day. If the person in charge has not pre-

viously received a warning notice, then the law enforcement officer must issue a warning for the first violation in lieu of a citation.

**Who enforces the law?**

The person in charge of a facility is responsible for making reasonable efforts to prohibit persons from illegally smoking. For example, a bartender may not provide matches, ashtrays, or other smoking-related equipment, and must take all of the following steps:

- Post warning signs or provide other appropriate notification;
- Refuse to serve a person who is smoking in a tavern, restaurant, or private club;
- Ask a person who is smoking to refrain from doing so;
- Ask a person to leave if he or she refuses to stop smoking; and
- Immediately notify an appropriate law enforcement agency if a smoker refuses to leave after being asked to do so.

A person in charge may take other measures to prevent a person from being exposed to secondhand smoke.

Sheriffs and municipal police officers may issue citations if they observe someone smoking where it is not permitted, or they may respond to citizen complaints or when notified by the person in charge of a facility. The Wisconsin Department of Justice is also authorized to enforce the antismoking law.

An arrest or conviction for a violation of the law may not be considered in any action to revoke, suspend, or refuse to renew an alcohol beverage license or permit.

**FOR MORE INFORMATION**

For additional information about current laws relating to smoking and tobacco, see Wisconsin Brief 01-8, "Wisconsin's Clean Indoor Air Act and Other Smoking and Tobacco Regulation," available at: <http://www.legis.wisconsin.gov/lrb/pubs/wisbriefs.htm>. Among various topics, this brief discusses the prohibition against children possessing tobacco products [s. 254.92 (2)].

## THE SMOKING BAN

### A WISCONSIN DEPARTMENT OF JUSTICE ADVISORY MEMORANDUM ON 2009 WI ACT 12 (July 2, 2010)

#### I. INTRODUCTION

This Wisconsin Department of Justice (DOJ) memorandum (the "Advisory") is intended to assist law enforcement and other groups in addressing the new requirements established by 2009 Wisconsin Act 12 that relate to smoking in public places. The Advisory summarizes the requirements of Act 12 and how the Act is enforced. Finally, the Advisory concludes with some frequently asked questions about the Act.

#### II. SUMMARY OF THE LAW

Act 12, which takes effect July 5, 2010, amends the current law restricting smoking under Wis. Stat. § 101.123. Act 12 expands the breadth of the prohibition against smoking and limits the exceptions where smoking is prohibited. In particular, Act 12 lists fifteen specific enclosed places where smoking is prohibited and then includes a catch-all provision that prohibits smoking in all other "enclosed places" that are "places of employment" or that are "public places." Act 12 removes the general exception for designated smoking areas. It also retains from current law the four specific outdoor areas where smoking is prohibited. Additionally, Act 12 specifically prohibits smoking in sports arenas, bus shelters and public conveyances, even if those places don't meet the definition of "enclosed place."

Act 12 provides that any local ordinance regulating or prohibiting outside smoking must comply with Act 12, applies only to public property under the municipality's jurisdiction, and must allow a "person in charge" of restaurants, taverns, private clubs, or retail establishments to designate an outside smoking area within a reasonable distance from any entrance to the establishment.

Finally, Act 12 requires a "person in charge" of a place subject to Act 12 to take the necessary steps to ensure compliance with the Act. Act 12 creates a legal obligation on smokers and persons in charge of places where smoking is prohibited and increases the penalty for violations of the Act. The Wisconsin Department of Justice and local law enforcement are authorized to enforce Act 12.

### III. IMPORTANT DEFINITIONS

**“Smoking”** – burning or holding, or inhaling or exhaling smoke from, any of the following items containing tobacco:

- A lighted cigar.
- A lighted cigarette.
- A lighted pipe.
- Any other lighted smoking equipment.

Wis. Stat. §101.123(1)(h)

**“Enclosed place”** – a structure or area that has all of the following:

- A roof.
- More than 2 substantial walls.

Wis. Stat. §101.123(1)(ak)

**“Place of employment”** – any enclosed place that employees normally frequent during the course of employment, including

- an office;
- a work area;
- an elevator;
- an employee lounge;
- a restroom;
- a conference room;
- a meeting room;
- a classroom;
- a hallway;
- a stairway;
- a lobby;
- a common area;
- a vehicle; or
- an employee cafeteria.

Wis. Stat. §101.123(1)(dj)

**“Public place”** – any enclosed place that is open to the public, regardless of whether a fee is charged or a place to which the public has lawful access or may be invited.

Wis. Stat. §101.123(1)(eg)

“**Person in charge**” – the person, or his or her agent, who ultimately controls, governs or directs the activities aboard a public conveyance or at a location where smoking is prohibited or regulated under this section.

Wis. Stat. §101.123(1)(d)

“**Substantial wall**” – a wall with no opening or with an opening that either does not allow air in from outside or is less than 25 percent of the wall’s surface area.<sup>1</sup>

Wis. Stat. § 101.123(1)(id)

#### IV. THE PROHIBITION ON SMOKING

Starting July 5, 2010, smoking is not permitted in “enclosed places” that are “places of employment” or “public places.” Wis. Stat. § 101.123(2)(a)(9). Additionally, smoking is specifically prohibited in the following enclosed places and outdoor areas:

- State Capitol and immediate vicinity;
- Residence halls of colleges and universities (including any location 25 feet or less from a residence hall or dormitory owned or operated by the Board of Regents of the University of Wisconsin System);
- Day care centers (including outdoor premises when children are present);
- Educational facilities;
- Correctional facilities (and anywhere on the grounds of a Type 1 juvenile correctional facility);
- State institutions (mental health, developmentally disabled persons);
- All restaurants and taverns;
- All retail establishments;
- Private clubs (any facility used by an organization that limits membership and is organized for recreational, social, political etc. purposes);
- Common areas of multi unit residential properties;
- Hotels, motels, bed & breakfasts, and tourist rooming houses;
- All municipal buildings;
- Sports Arenas of all kinds including Lambeau Field, Miller Park, stadiums, pavilions, gymnasiums, swimming pools, or other buildings where spectator sporting events are held (whether or not they fit the definition of an enclosed space);
- Health and medical centers including hospitals, physician’s offices, treatment centers;
- Inpatient health care facilities (county home, nursing homes, hospice, veteran’s home); and
- Theaters.

---

<sup>1</sup> Originally the Act defined “substantial wall” as “a wall with an opening that may be used to allow air in from the outside that is less than 25 percent of the wall’s surface area.” However, this definition was revised on May 11, 2010, by 2009 Wis. Act 276.

whether the ordinance logically conflicts with state legislation; whether the ordinance defeats the purpose of the state legislation; or whether the ordinance violates the spirit of state legislation. *Id.* at 651-652.

#### FREQUENTLY ASKED QUESTIONS:

**Q1:** *Can a municipality enact an ordinance that defines the term “enclosed place” or “substantial wall” in a manner that allows it to prohibit smoking in places that are not subject to the prohibitions in Act 12?*

**A:** A municipality may not restrict outside smoking except on public property under its jurisdiction and so long as such ordinances allow a restaurant, tavern, private club, or retail establishment to designate an outside smoking area that is a “reasonable distance” from any entrance. With respect to indoor smoking prohibitions, Act 12 does not limit a municipality’s authority to enact an ordinance that protects the health and comfort of the public. Wis. Stat. §101.123(4m). Act 12 does not expressly define “outside smoking” or “inside smoking.” To the extent a local ordinance defines “enclosed place” or “substantial wall” in a manner that is expressly preempted by the state law, logically conflicts with state law, defeats the purpose of the state law, or violates the spirit of the state law, it would be preempted.

**Q2:** *Does a wall with a window or door that makes up more than 25% of the surface area of the wall constitute a “substantial wall” if the window or door is closed?*

**A:** Yes. Act 12 defines “substantial wall” as “[1] a wall with no opening or [2] with an opening that either does not allow air in from outside or is less than 25 percent of the wall’s surface area.” Thus, the opening must be larger than 25% of the wall’s surface area *and* allow in air from the outside if the wall is not to be considered a substantial wall. Closing all openings or partially closing some or all openings, such that less than 25% of a wall’s surface area is allowing in air from the outside, makes the wall a “substantial wall” for purposes of the Act.

**Q3:** *Can a municipality regulate outside smoking?*

**A:** To a limited degree. Under Act 12, municipal ordinances regulating or prohibiting outside smoking would need to satisfy the following requirements:

- Comply with the purpose of Act 12 and protect the health and comfort of the public;
- Apply only to public property under the jurisdiction of the county, city, village, town, or school district;
- Allow a restaurant, tavern, private club, or retail establishment to designate an outside area that is a “reasonable distance” from any entrance for smoking; and

- Refrain from defining the term “reasonable distance” or setting any specified measured distance as being a “reasonable distance.”

*Q4: Who has the authority to enforce the smoking ban pursuant to Act 12?*

**A:** Both local law enforcement personnel and the Wisconsin Department of Justice have authority to enforce Act 12. Prosecution of forfeiture actions rests with the district attorneys; though local officials may prosecute municipal ordinances that are not preempted. All affected individuals may bring a civil action to enjoin violations of the Act.

*Q5: Can a municipality adopt an ordinance giving authority to a person or agency other than the police department to enforce a smoking ban?*

**A:** Act 12 does not prohibit municipalities from enacting local ordinances that vest enforcement authority in an agency other than law enforcement. However, no ordinance may regulate subject matter preempted by state law.

*Q6: Who is a “person in charge” and does such a person include any employee of a bar or restaurant who is working at the time of the smoking incident?*

**A:** Act 12 defines “Person in charge” as the person, or his or her agent, who ultimately controls, governs or directs the activities aboard a form of public transportation or at a location where smoking is prohibited or regulated. Because an employee of a restaurant is an agent of the restaurant owner, an employee may be a “person in charge.” Enforcement authorities have discretion when determining who should be referred to a district attorney for a forfeiture action.

*Q7: Can enforcement be done through a citation?*

**A:** Act 12 does not authorize the use of citations by law enforcement as a mechanism to enforce the state smoking ban. District attorneys, therefore, will have to use a civil complaint when bringing forfeiture actions to enforce Act 12.

Citations may be used to enforce local ordinances that are not preempted by state law, should the ordinance provide for such an enforcement mechanism.

*Q8: Who provides the smoke-free signage required by Act 12?*

**A:** Persons in charge are obligated to comply with the signage provisions of Act 12. However, the Department of Commerce shall, by rule, specify uniform dimensions and other characteristics of the signs required under Act 12. Resources for businesses and employers, including signs, are already available at: [www.WIBetterSmokeFree.com](http://www.WIBetterSmokeFree.com)

*Q9: Are bleachers used for watching softball games and tournaments at village, city and county parks to be smoke-free?*

A: It will depend on the circumstances, but Act 12 does not prohibit smoking in such places unless the bleachers are in a sports arena or some enclosed place. Act 12 defines "sports arena" as any stadium, pavilion, gymnasium, swimming pool, skating rink, bowling center, or other building where spectator sporting events are held.

*Q10: Are there any guidelines as to how local law enforcement should deal with complaint calls and letters?*

A: No. Local law enforcement must use its discretion as to how to handle complaints and what resources and protocols it will establish to enforce Act 12. This is no different than enforcing laws (and often complementary ordinances) that provide for forfeitures in other circumstances.

*Q11: Will someone else (other than local law enforcement) be coming out to tell an operator if their structure is in compliance with the Act or not? Or will that be the role of local law enforcement?*

A: It is an operator's responsibility to comply with state law. Nothing in Act 12 imposes a duty on law enforcement to inform an operator whether smoking is permitted at a facility, except that a forfeiture action for certain violations of the Act may not be initiated against a "person in charge" unless that person has received a prior warning notice.

*Q12: Where do complaints get collected?*

A: Individuals wishing to report violations shall be directed to local law enforcement for follow-up. A statewide complaint phone line (1-800-NO-SMOKE) and website ([www.WIBetterSmokeFree.com](http://www.WIBetterSmokeFree.com)) will also be available through the Department of Health Services to collect and forward complaints to local law enforcement. When a complaint is received through the phone line or through the website, a letter will be sent to local law enforcement with a copy going to the establishment about which the complaint was filed. Local law enforcement will have to use its discretion in responding to complaints.

Prepared by:  
Abigail C. S. Potts, Assistant Attorney General

# Commerce involvement with “No Smoking” law will be minimal

As developed by the legislature and signed by the governor. 2009 Wisconsin Act 12 sets forth statewide restrictions on smoking in places of employment and other spaces. The act, which is effective July 5, 2010, will stand on its own and will not be the subject of further rules from Commerce, except for specifications related to “No Smoking” signs.

Smoking and related restrictions are not governed by the Wisconsin Commercial Building Code. Therefore, while Commerce has the authority to review construction plans for building code purposes, the department does not have the authority to perform any smoking-ban interpretations, inspections, plan reviews or enforcement. Commerce staff will not be defining terms in the law or providing consultation on the law.

Enforcement, according to Act 12, can be done by the state Department of Justice or by local law enforcement officials.

Municipalities will have the ability to create ordinances or policies related to smoking. These ordinances or policies may be more stringent than set forth in Act. 12. Questions concerning restrictions on smoking in public spaces can be directed to local officials.

## WISCONSIN'S NEW SMOKE-FREE LAW

# FREQUENTLY ASKED QUESTIONS

by Anita T. Gallucci, Attorney and  
Rhonda R. Hazen, Attorney

⊙ WHAT DOES WISCONSIN'S NEW SMOKE-FREE LAW REGULATE?

On May 18, 2009, Governor Jim Doyle signed 2009 Wisconsin Act 12 into law ("Act 12"). Act 12 amended Section 101.123 of the Wisconsin Statutes (Wisconsin's Smoke-Free Law), which codified Wisconsin's prohibitions on smoking. The amended Wisconsin Smoke-Free Law applies statewide and expands the smoking prohibition to include "enclosed places" that are either public places or places of employment. Act 12 also impacts to a certain degree how much authority local units of government have to prohibit and regulate smoking through their local laws.

⊙ WHEN DOES THE AMENDED WISCONSIN SMOKE-FREE LAW GO INTO EFFECT?

The amendments to the Wisconsin Smoke-Free Law will become effective on July 5, 2010.

⊙ MUST A LOCAL UNIT OF GOVERNMENT ADOPT AN ORDINANCE TO COMPLY WITH THE NEW SMOKE-FREE LAW?

If a local unit of government does not have a local ordinance regulating or prohibiting smoking, it does not need to do anything with its ordinances to remain in compliance with Wisconsin's Smoke-Free Law. The statute allows a local government to regulate smoking locally, but does not require an ordinance to be enacted. In the absence of a local ordinance, the state prohibitions on smoking will still apply and may be enforced by state and local law enforcement and the Wisconsin Department of Justice as violations of state law.

The authors are attorneys with the Boardman Law Firm. They may be reached as follows: Anita T. Gallucci <agallucci@boardmanlawfirm.com> and Rhonda R. Hazen <rhazen@boardmanlawfirm.com>.

Boardman Law Firm is a trade name for Boardman, Suhr, Curry & Field LLP, a limited liability partnership. The information contained in this article is for informational purposes only and should not be construed as legal advice on any subject matter. Recipients of this information should not act upon it without consulting legal counsel as individual situations and facts vary.

⊙ WHAT IMPACT WILL THE NEW WISCONSIN SMOKE-FREE LAW HAVE ON EXISTING LOCAL SMOKE-FREE ORDINANCES?

If a local unit of government currently has an ordinance regulating or prohibiting smoking, officials will want to review the ordinance and ensure that it is applied and enforced in ways that comply with the new Smoke-Free Law. Effective July 5, 2010, local ordinances will still be able to prohibit or regulate smoking indoors and on public property under the municipality's jurisdiction, but there will need to be specific exceptions for outdoor, private property. For these areas, a person in charge of a restaurant, tavern, private club, or retail establishment must be able to designate an outside smoking area that is a reasonable distance from the establishment's entrance. Municipal officials are therefore urged to review existing ordinances with counsel to assess whether they comply with and are being enforced consistent with the new Smoke-Free Law.

⊙ CAN A LOCAL UNIT OF GOVERNMENT MODIFY THE PENALTY PROVISIONS OF THE NEW SMOKE-FREE LAW?

*Smoking Ban FAQs  
continued on page 200*

*Smoking Ban FAQs  
from page 199*

Act 12 establishes that violations of portions of Wisconsin's Smoke-Free Law could carry a forfeiture penalty of "not less than \$100 nor more than \$250 for each violation." A municipality could potentially increase these forfeiture amounts. For example, most municipal ordinances have general penalty provisions that apply to their ordinance violations. Violations of a local Smoke-Free ordinance could therefore be made subject to these same general penalty provisions. This decision should also be reviewed with local counsel to ensure the penalties remain reasonable in light of the state Smoke-Free Law.

⊙ **CAN A LOCAL UNIT OF GOVERNMENT MODIFY THE DEFINITION OF "ENCLOSED PLACE" SET FORTH IN THE NEW SMOKE-FREE LAW?**

Wisconsin's new Smoke-Free Law prohibits smoking in "enclosed places" that are either places of employment or public places. The statute defines "enclosed place" as a structure or area that has a roof and more than two "substantial walls." Wis. Stat. sec. 101.123(1)(ak). Municipalities may wish to provide a more specific definition of the term, such as the following definition that the Wisconsin Department of Commerce (DOC) was considering adopting as an administrative rule: 2 "Enclosed indoor area," means all space between a floor and a ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical

barrier, whether temporary or permanent. A 0.011 gauge screen with an 18 by 16 mesh count is not a wall."

⊙ **CAN A LOCAL UNIT OF GOVERNMENT OPT OUT OF THE STATE-WIDE SMOKE-FREE LAW?**

No. A local unit government can not opt out of Wisconsin's Smoke-Free Law by "legalizing" smoking within its boundaries. A local unit of government may choose not to enforce the law as a local ordinance violation, but the state prohibitions and requirements will still apply within the municipality's boundaries. The law can still be enforced by local police officers, county sheriff officials or Wisconsin's Department of Justice, but it would be enforced as a state matter, not a local ordinance violation.

⊙ **WHO IS RESPONSIBLE FOR ENFORCING THE LAW?**

The Wisconsin Smoke-Free Law can be enforced as a state matter by the Wisconsin Department of Justice, county sheriffs or local police officers or constables. If a violation occurs, any of these officials could write a citation just as if they were addressing a violation of another state law. The matter would be addressed through the county circuit court. In addition, if a local ordinance is enacted, it could be enforced through the local court as well.

⊙ **DOES A LOCAL UNIT OF GOVERNMENT HAVE TO ADD ANYTHING TO THEIR LOCAL ORDINANCE OR CODE TO ENFORCE THE LAW?**

Local units of government do not need to add to their ordinances to be able

to enforce the smoking prohibition as a state law matter. If the local unit of government wishes to enforce the law as a local matter (i.e., a violation of a local ordinance) it will need to enact an ordinance that complies with Wisconsin's Smoke-Free Law.

⊙ **CAN ANYTHING BE DONE IF A LOCAL ENFORCEMENT AGENCY REFUSES TO ENFORCE THE LAW?**

Wisconsin statutes contain mandatory language requiring sheriffs and local officers to enforce Wisconsin's Smoke-Free Law. Section 165.60 of the Wisconsin Statutes states that the officers "shall likewise enforce those sections." Thus, there is an obligation to enforce the law. In reality, however, it may be that one or more local officers or sheriffs do not focus on or strictly enforce the Smoke-Free Law. If this occurs, a citizen or municipal official may present their concern to the municipal governing body or police commission and request more strict regulation or potentially disciplinary action of the officials involved. Alternatively the citizen or municipal official could request enforcement by the Department of Justice or a different officer. Further, a citizen or municipal official could file a civil action seeking an injunction to stop repeated violations of the law.

Finally, interested persons may also access an on-line complaint form <<http://www.wibettersmokefree.com>>. Also, the Wisconsin Department of Health Services has a hot-line to call for enforcement and compliance issues with the law. The number is posted on the League website, <[www.lwm-info.org](http://www.lwm-info.org)>.

Powers of Municipalities 914

## Municipal Ordinances Can Clear up Ambiguity

Municipal officials should consult their legal counsel if the municipality is interested in adopting a no smoking ordinance that provides an unambiguous definition of “enclosed place” or uses different language to describe indoor areas subject to the smoking ban.

### POSSIBLE SOLUTIONS

One option would be to adopt language similar to what the Department of Commerce was considering as part of a rulemaking on the smoking ban. While the agency has decided not to proceed with the rulemaking, the language they were considering could serve as a model for municipalities. The proposed rule would have prohibited smoking in any “enclosed indoor areas.”

An “enclosed indoor area” was defined to mean “all space between a floor and a ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A 0.011 gauge screen with an 18 by 16 mesh count is not a wall.”

This definition is clearer and easier to apply than the definition of “enclosed place” in Act 12.

Another option would be to adopt language similar to the City of Verona’s no smoking ordinance. That ordinance prohibits smoking in “any enclosed area of a place of employment.” “Enclosed area” is defined as “all space between a floor and ceiling that is enclosed on all sides by permanent or temporary walls or windows (exclusive of doorways), which extend from the floor to the ceiling.”

A municipality may adopt an ordinance clarifying application of the no smoking law to indoor areas in their community at any time before or after the state law takes effect on July 5th.

### LOCAL REGULATION OF OUTDOOR AREAS PREEMPTED.

Bear in mind that Act 12 greatly limits municipal authority to regulate smoking outside of buildings. Under the Act, municipalities only have authority to prohibit outdoor smoking on municipally owned property. This means, for example, that municipalities may not prohibit smoking in outdoor seating areas of restaurants.

*Smoking ban  
continued on page 198*

“  
P  
PURSUANT  
TO THIS GRANT  
OF AUTHORITY,  
A MUNICIPALITY  
CAN ADOPT AN  
ORDINANCE THAT  
CLARIFIES WHAT  
INDOOR AREAS ARE  
SUBJECT TO THE  
SMOKE-FREE LAW.”

## LEGAL NOTE

*Smoking Ban  
from page 197*

The state law explicitly provides that the person in charge of a restaurant, tavern, private club, or retail establishment may designate an outside area that is within a reasonable distance from any entrance to the establishment where customers, employees, and other associated persons may smoke. A local ordinance may not define what qualifies as a "reasonable distance" from the establishment and bars.

### CONCLUSION

The new state smoking ban that takes effect July 5 has some holes in it that could be filled by adopting a local ordinance. The new state law prohibits smoking in enclosed places of employment, including bars and restaurants. The definition of enclosed place is confusing and open to interpretation. Municipalities may want to adopt a no smoking ordinance that provides an unambiguous definition of "enclosed place" or uses different language to describe indoor areas subject to the smoking ban.

Smoke-Free Wisconsin has published a helpful FAQ on the state smoking ban written by the Boardman Law Firm. It appears on the next page of this issue of *the Municipality*. We have posted the FAQ and other information on the smoking ban on our Website: <<http://www.lwm-info>>.

Powers of Municipalities 913

## Smoke-free But Still Not Clear?

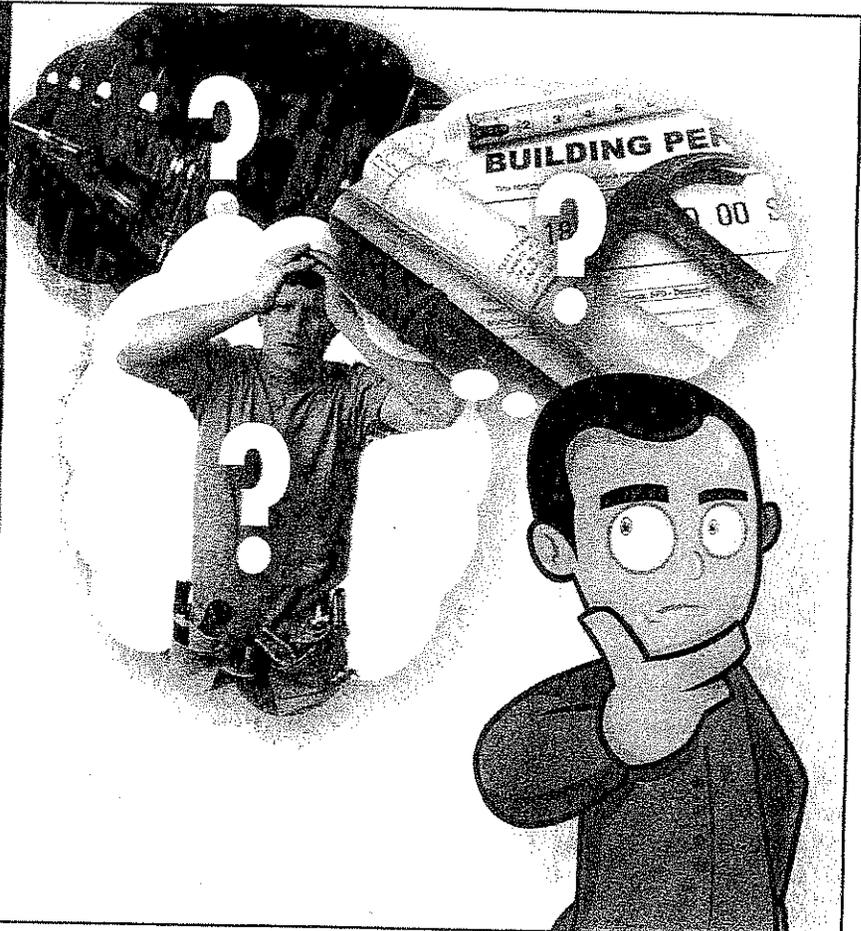
Will you be ready to answer questions from local businesses?

Bar & Restaurant owners are bound to have questions about what is permitted for outdoor smoking areas. Do you have the answers?

- Indoor smoking will be prohibited beginning July 5, 2010
- Outdoor smoking areas may not be 100% enclosed (no smoking rooms)
- Designated outdoor smoking areas must be a reasonable distance from entrances

SmokeFree Wisconsin is your resource for information on regulations, requirements & more.

For more information visit  
[WWW.SMOKEFREEWI.ORG](http://WWW.SMOKEFREEWI.ORG)  
& click on implementation  
or call Erich at (608) 268-2620





April 28, 2010

Dear TLW Member:

As a Member of the Tavern League of Wisconsin I wanted to provide you with the most recent and accurate information relating to the implementation of the statewide smoking ban on July 5<sup>th</sup>. As you know, the Tavern League of Wisconsin successfully defeated the smoking ban for a number of years. However, Governor Jim Doyle made it a top priority in his budget bill and he was successful in securing its passage. We worked hard to amend the law to make it fair and reasonable for small business. We believe we accomplished that goal and have one of the most reasonable smoking bans in the nation.

There has been recent confusion and rumors relating to the role of the Department of Commerce and proposed changes to outdoor smoking areas. The Department of Commerce will not be pursuing any changes relating to outdoor smoking areas. The Legislature passed a technical change to the definition of a substantial wall and as a result the Department of Commerce dropped their proposal for regulation of outdoor smoking areas. The Department of Commerce can not change the law to regulate outdoor smoking areas.

The following are the facts and statutory references relating to the new smoking ban. This is a state law and will pre-empt local ordinances that are in conflict with the law regulating smoking at licensed establishments effective July 5<sup>th</sup>. If you have problems with your local municipality or have specific questions please contact us. We want to help assist you through any problems you may experience with local officials. In short, local municipalities must follow the state law and may not regulate outdoor smoking areas of licensed establishments.

### The FACTS About the Smoking Ban

#### Local Government Regulation

1. Local government cannot regulate outdoor smoking at taverns or restaurants which have a "Class B" or Class "B" on premise license. Wis. Stat. § 101.123(4m).

The law passed by the legislature will replace all local existing municipal ordinances relating to smoking bans regulating Class B licensed establishments. Under the new law, no county, city, village or town may enact an ordinance prohibiting smoking outside of a licensed tavern or

restaurant. Instead, a local government's authority over regulating "outside smoking" is limited and "may apply only to public property under the jurisdiction." Wis. Stat. § 101.123(4m).

### **July 5<sup>th</sup> – Smoking Prohibited in Enclosed Places**

2. Effective July 5<sup>th</sup>, smoking **IS NOT** permitted in an enclosed place. Effective July 5, all existing local ordinances relating to regulation of smoking at a licensed premise are in conflict with the requirements under the statewide smoking ban (unless they mirror the state law), and, as a result, are likely unenforceable. Instead, the state law is the law all local governments and licensed premises must follow. An "enclosed place" must have all of the following: Wis. Stat. § 101.123(1)(ak)

- 1) A roof.
- 2) More than 2 substantial walls.

A substantial wall means a wall with no opening or with an opening that either does not allow air in from the outside or is less than 25 percent of the wall's surface area. Wis. Stat. § 101.123(1)(id) – as amended by Senate Amendment 1, to Assembly Bill 720.

A municipality may not pass an ordinance to restrict smoking on private property outside of a licensed establishment. Instead, the municipality is limited to regulating "outside smoking" only on "public property under the jurisdiction" of the municipality. Moreover, under the law, a licensee may designate an outside smoking area that is a reasonable distance from any entrance to the establishment. However, a local ordinance "may not define the term 'reasonable distance' or set any specified measured distance as being a 'reasonable distance.'" Wis. Stat. § 101.123(4m).

Smoking is permitted in any outside smoking structure which does not meet the definition of an enclosed place. This is a state law and a municipality **can not** pass any ordinance making the law more or less restrictive because it is an outside smoking location on private property.

### **Uniform Statewide Penalties**

3. Effective July 5, the following are penalties for violation of the statewide smoking ban. Any existing municipal penalties relating to outdoor smoking areas of a licensed establishment are likely unenforceable. The law can only be enforced by local or state law enforcement. All licensees shall receive a written warning notice for the first smoking violation and any subsequent smoking violations may not exceed \$100 for all violations occurring on a single day. Wis. Stat. § 101.123(8).

A municipality can not revoke, suspend or refuse to renew a "Class B" or Class "B" license or permit for any violations of the smoking ban. Wis. Stat. § 125.12(1)(c).

A person ticketed for smoking in an enclosed place may be fined between \$100 and \$250. Wis. Stat. § 101.123(8)

There are sure to be questions as we move closer to July 5<sup>th</sup> but we wanted to make sure you had the facts relating to the state law and the smoking ban. This is the state law which takes effect July 5<sup>th</sup> and if you or your local municipal officials have questions please contact us. We have retained a lawyer well versed in the law and he will help assist our Membership through the implementation of the smoking ban.

First and foremost we want to make sure to protect our Members and provide you with the information you will need to prepare for the smoking ban. As you can see the law allows for you to have outdoor smoking areas and will eliminate all existing local smoking ban ordinances and fines and replace it with one statewide law. Further, your license may not be revoked, suspended or not renewed as a result of any violations of the smoking ban. We worked very hard to make sure if a ban was going to pass it would be reasonable and one that could accommodate our Membership. Thank you for your Membership.

Sincerely,

Rob Swearingen

TLW President

Contact TLW Office: Toll free 1-800-445-9221 or Email:

For more information go to: [www.tlw.org](http://www.tlw.org) click on smoking ban link

Follow us on Facebook:

<http://www.facebook.com/pages/Tavern-League-of-Wisconsin/110005838667>

Follow us on Twitter: <http://twitter.com/TavernLeague>

You have received this message because you have subscribed to a mailing list of Tavern League of Wisconsin. If you do not wish to receive periodic emails from this source, please click below to unsubscribe.

**- PROPOSED MINUTES -****WAVERLY SANITARY DISTRICT****June 8, 2010****District Office - N8722 County Rd. LP**

The meeting was called to order at 8:30 a.m. by Commissioner Helein.

Present: Commissioner Helein (WCH)	System Operator Krucger (RWK)
Commissioner Fulcer (LJF)	System Operator VanZeelan (TGV)
Commissioner Sambs (MLS)	System Operator Dornfeld (DWD)
Engincer Martenson (SCM)	Office Mgr. Girdley (CMG)
Resident Jerry Lopas	Admin. Asst. Hallock (SAH)

Coop Road residents present:

Glenn & Sandra Kasten, N8831 Coop Rd., Menasha, WI 54952

Ron & Pat Fink, N8874 S. Coop Rd., Menasha, WI 54952

Suzanne Carter and son Tim Johnson, N8801 Coop Rd., Menasha, WI 54952

Ken Mader and Fran Mader

Approval/acceptance of the 5/11/10 Meeting Minutes was accomplished with LJF's motion and MLS' second. Motion carried 3-0.

Receipt Acknowledgement/Approval of the May 2010 Financial and Budget Comparison Reports was accomplished with MLS' motion and LJF's second. Motion carried 3-0.

Invoices were approved for payment and checks were signed prior to the meeting.

**COMMUNITIES/CUSTOMERS/SERVICE CONCERNS****Water/Sanitary Service Availability – South Coop Road – Preliminary cost estimate status**

SCM stated initial contact was received from Ken Mader for water/sewer availability for South Coop Rd. All Coop Rd. residents in attendance as well as two residents located south of the Carter property expressed interest in connecting to WSD. SCM reviewed the two estimates prepared by M&E: \$165,301.00 for sewer/water to Woodland with a water loop to Sugar Maple Way and \$107,555.00 for sewer/water to Mader and Stumpf driveways. These estimates do not include installation costs beyond the right-of-way line. Because these costs vary, the District does not attempt to estimate these cost figures. SCM reviewed the procedures utilized to exclude property from annexation. WSD will finance the project and will be reimbursed as residents connect. Residents were informed of WSD's \$975 connection fee, the TOH's \$1500 connection fee, and the fact residents will be responsible for costs to install water/sewer mains from the right-of-way line to their homes. CMG explained WSD's 5-year tax roll assessment payment plan, connection time frame, and well permit procedure for those who wish to retain their wells for non-potable use. The Coop Rd. residents expressed their desire to connect during 2010 if possible. SCM recommended TOH Planner Mark Mommactts be contacted and an annexation request be made to the TOH before the end of June. If the Town grants the annexation request by the end of July, the District could complete this project during 2010. The Commission agreed SCM will apprise Mommactts of the above situation before the Coop Rd. residents petition the TOH for annexation into the WSD.

**WAVERLY SANITARY DISTRICT**

June 8, 2010

Page 2

**COMMUNITIES/CUSTOMERS/SERVICE CONCERNS - CONTINUED****Fire Lanes #12 & #13 Sanitary Sewer Service Availability – Sherwood's (McMahon) 6/2/10 add'l  
Contact regarding requested information  
(Financial responsibility – WSD vs. VOS)**

CMG stated Jennifer Schaff from McMahon Assoc. recently stopped at WSD to question why WSD has not responded to Sherwood's 3/26/10 information request. Due to ECWRPC's response to WSD's request to be involved if another study is done and WSD's statement of interest in serving the FL #12 and #13 area, SCM/WSD Commission assumed this was a "dead" issue. The Commission agreed CMG will provide written correspondence to Village Administrator Randy Friday to report Schaff's recent visit to WSD and to request financial commitment from VOS for all costs pertaining to compiling the information requested by VOS.

**Eisenhower Drive Extension – Receipt status of SCM's 5/19/10 water/sanitary service detail  
correspondence to the TOH and WSD**

CMG reported the Commission received copies of SCM's 5/19/10 correspondence for review before the 6/8/10 meeting date. The TOH has not responded to SCM's 5/19/10 correspondence provided to TOH/WSD detailing the water/sanitary service for future Eisenhower Dr. extension.

**Lift Station #3 – Status discussion regarding Pfefferle Management's (Jim Seefeldt) decorative  
fencing request, plan receipt, and on-site meeting to address access issues**

Seefeldt submitted the plan for the proposed decorative fencing to be installed around Lift Station #3 for Commission review before the 6/8/10 meeting date. The fencing is projected to be installed by October 2010. RWK stated Seefeldt will contact RWK to schedule an on-site meeting to discuss how best to leave exposed the hydrant located near LS #3.

**OLD BUSINESS****- Water Sample Tests' Results**

RWK reported all five tests, three taken 5/4/10 and two taken 5/18/10, were determined as safe by the State of Wisconsin. (Attachment #1, pp. 1-5)

**- Road Access Development Agreement – Fully executed document receipt status**

CMG reported Tracy Flucke (TOH) contacted WSD after WSD's 4/13/10 meeting to report the Town provided the executed document to Attorney Ben Haupt at VHE, for VHE's signature. As of the 5/11/10 meeting date, the document remained outstanding. CMG contacted Jennifer Weyenberg (TOH) on 6/7/10 to learn the document has not been returned to the TOH. The Town will contact Attorney Haupt to question the document's status and upon TOH's receipt, WSD will be issued a copy.

**WAVERLY SANITARY DISTRICT**

June 8, 2010

Page 3

**OLD BUSINESS - CONTINUED**

- **Water Metering Station (2<sup>nd</sup>)** – Minor restoration/grading schedule  
SCM reported RJM Const. will complete the outstanding restoration when the wet weather subsides. TGV stated WSD cut the long grass around Meter Station #2 on 6/7/10. RWK stated the Meter Station #2 blacktopping will be included in the bid for blacktopping at LS #4.

**Meter Station #2 Land Purchase****\*\* Receipt status of Letter Report required satisfaction from VHE:****-- Proof of 2009 property tax payment**

CMG stated written documentation of the 2009 property tax payment remains outstanding.

- **Water Metering Station (1st)** – Above-ground building structure construction status report  
Mary Jo Miller's status report was provided to the Commission/WSD personnel before the 6/8/10 meeting date. SCM stated the safety fence has been installed. The water pipe will be extended above ground on 6/10/10. Since 6/4/10, WSD's water is being supplied exclusively through Meter Station #2.

**GENERAL CONSTRUCTION STATUS (INDIVIDUAL PROJECTS)**

- **Woodland Hills Heights** – Receipt status of req'd project acceptance items/Project acceptance action  
SCM/CMG stated all required project acceptance items have been completed/received except Bowers' Lien Waiver, the final walk through, and three outstanding engineering invoice reimbursements. Project acceptance will occur after the above items have been completed/received.
- **Birling Court Extension (Andrysczyk)** – Project status report  
SCM/WSD have not received contact/information regarding this project since WSD's 5/11/10 meeting. The executed Waiver of Assessment was received from SCM on 12/13/07.
- **Lake Park Condominiums** – Project status report  
SCM/WSD have not received contact/information regarding this project since WSD's 5/11/10 meeting. The executed Waiver of Assessment was received from SCM on 9/12/06.
- **Outagamie LLC Future Development** – Project status report (18 acres)  
**Location:** North of Woodland Terrace and south of Manitowoc Rd.  
SCM/WSD have not received contact/information regarding this project since WSD's 5/11/10 meeting. The signed Waiver of Assessment was received 1/24/06.

**WAVERLY SANITARY DISTRICT**

June 8, 2010

Page 4

**NEW BUSINESS**

- **Establish the July Meeting Date – Tuesday, July 13, 2010 (8:30 a.m.) District Office**  
Tuesday, July 13, 2010 at 8:30 a.m. was established as the July meeting date/time. The meeting will be held at the District's office.
  
- **Year 2009 CMAR Resolution #2010-01 – CMAR review discussion and adoption of resolution by the Commission**

CMG stated before the DNR mandated 2009 CMAR report can be formally submitted on line, a resolution must be adopted by the Commission. Both sections – the Financial Management and the Collection systems received a grade of 4.0.

MLS/LJF motioned/seconded Resolution #2010-01 adoption to allow for formal CMAR submittal. Motion carried 3-0.

- **8" Forcemain Damage/Repair – Completed installation of stainless steel air release valves (5) and cost report**

RWK reported the air release valve installation went well. However, the 8" forcemain ruptured twice due to the spike in pressure (water hammer) created when reloading the forcemain after the valve installation. SCM stated the forcemain was checked by the contractor/RWK and it appears to be in good condition. SCM recommended a method for reloading the forcemain that would greatly reduce the pressure spike. This procedure was utilized/was successful when reloading the forcemain after repairs were completed. This information was documented and filed in WSD's Lift Station binder for future reference. WSD will restore the area by installing black dirt where erosion occurred and planting grass seed.

**Office Report** (Attachment #2, pp. 1-12)

CMG reviewed the Office Report for those in attendance. All items reviewed are included in the attached Office Report.

**Field Report** (Attachment #3A, pp. 1-5 & Attachment #3B)

RWK stated all field report issues were addressed under previous Meeting Agenda items.

**OTHER BUSINESS TO LEGALLY COME BEFORE THE COMMISSION****WRWA \$250 Donation – Discussion/Commission authorization (RWK to report)**

RWK stated WRWA recently assisted WSD with locating water mains before the utility poles were replaced along Hwy. 10/114 during Spring 2010. A special tool utilized for locating plastic pipe and related training was provided by WRWA. Utilizing this tool saved WSD a great deal of money by eliminated the cost/need to hydro vac to locate the water mains.

**WAVERLY SANITARY DISTRICT**

June 8, 2010

Page 5

**OTHER BUSINESS TO LEGALLY COME BEFORE THE COMMISSION - CONTINUED****WRWA \$250 Donation – Discussion/Commission authorization (RWK to report) - Continued**

RWK requested the Commission authorize a \$250 donation from WSD to WRWA for WRWA's equipment fund in gratitude for WRWA's training/tool use. RWK provided a written note of thanks to WRWA to be included with the donation check.

MLS/LJF motioned/seconded WSD make a \$250 donation to WRWA as requested above.  
Motion carried 3-0.

**District's 4<sup>th</sup> of July Holiday Hours – discussion//Commission approval**

Because the 4<sup>th</sup> of July Holiday falls on Sunday, the Commission approved WSD be closed Friday, July 2, thru Monday, July 5, 2010 in observance of the 4<sup>th</sup> of July Holiday.

Since there wasn't any other business to legally come before the Commission, MLS motioned/LJF seconded meeting adjournment.

Meeting adjourned at 9:40 a.m.

Submitted by Susan A. Hallock

Town of Menasha Utility District Commission Regular Meeting  
Municipal Complex - Assembly Room - Monday, May 10, 2010

Minutes

1. Call to Order, Pledge of Allegiance and Roll Call

President Arden Tews called the meeting to order at 5:00 p.m. The Pledge of Allegiance was recited. Secretary Karen Backman took roll call; present were President Arden Tews, Commissioners Dennis Gerhart, Barbara Hanson, Gregory Ziegler and Dale Youngquist. Administrator Jeff Sturgell and other departmental staff were also present. Town Engineer Brad Werner - not present  
Others: 1 attendee signed in

2. Awards/Presentations

3. Minutes to Approve

a) Regular Utility Commission Meeting - April 26, 2010

MOTION: Hanson/Ziegler to approve the minutes as submitted. Motion carried.

4. Minutes and Correspondence to Receive - None

5. Public forum on any matters of concern to the Town. The public may comment however, no action can be taken. Five minute time limit per person on non-repetitive matters.

There were no comments.

6. Discussion Items

7. Unfinished Business

8. New Business-Resolutions/Ordinances/Policies

a) 100510-1:UD Expenditures

MOTION: Ziegler/Gerhart to approve the expenditures in the amount of \$210,802.99 without exception. Motion carried.

9. Reports

a) *Water Superintendent Roth - Capital Projects Update*: Reported the Manitowoc Road project including stormwater work has been completed; Commissioner Gerhart commended the Hietpas crews in keeping the area cleared for traffic. President Arden Tews asked Supt. Roth the time frame for beginning replacement of rusted water mains on Gardner's Row; Supt. Roth stated it would be their next project. Residents would be notified of the work to be performed on this street.

10. Motions by Commissioners

11. Adjourn

At 5:08 p.m., MOTION: Hanson/Gerhart to adjourn. Motion carried.

Respectfully submitted,

Karen Backman, Secretary

*Note: These minutes are not to be considered official until acted upon at an upcoming regular meeting, therefore, are subject to revision.*

Town of Menasha Utility District Commission Regular Meeting  
Municipal Complex - Assembly Room - Monday, May 24, 2010

Minutes

1. Call to Order, Pledge of Allegiance and Roll Call  
President Arden Tews called the meeting to order at 5:00 p.m. The Pledge of Allegiance was recited. Secretary Karen Backman took roll call; present were President Arden Tews, Commissioners Dennis Gerhart, Gregory Ziegler and Dale Youngquist. Comm. Barbara Hanson, Fin. Dir. Myra Piergrossi and Water Supt. Jeff Roth were excused. Administrator Jeff Sturgell and other departmental staff were present. Town Engineer Brad Werner was not present.  
Others: 2 attendees signed in
2. Awards/Presentations
3. Minutes to Approve
  - a) Regular Utility Commission Meeting - May 10, 2010  
MOTION: Gerhart/Ziegler to approve the minutes as submitted. Motion carried.
4. Minutes and Correspondence to Receive

Minutes

  - a) Neenah-Menasha Sewerage Commission - March 23, 2010

Correspondence

  - a) Water Main breaks - April 2010
  - b) Water Pumpage Report - April 2010

MOTION: Youngquist/Ziegler to approve the minutes and correspondence for filing. Motion carried.
5. Public forum on any matters of concern to the Town. The public may comment however, no action can be taken. Five minute time limit per person on non-repetitive matters.  
There were no comments.
6. Discussion Items
7. Unfinished Business
8. New Business-Resolutions/Ordinances/Policies
  - a) 100524-1:UD Expenditures  
MOTION: Youngquist/Ziegler to approve the expenditures in the amount of \$268,968.74 without exception. Motion carried.
9. Reports
  - a) Water Superintendent Roth - Capital Projects Update: Emergency repairs to the rusted water mains on Gardner's Row (Trader's Rd.) will be completed in a week - he noted repairs will remain within the budget; will begin the E. Shady Lane project in approximately two weeks, and stated one lane will remain open for through traffic.
10. Motions by Commissioners
11. Adjourn  
At 5:05 p.m., MOTION: Ziegler/Gerhart to adjourn. Motion carried.

Respectfully submitted,

Karen Backman, Secretary

*Note: These minutes are not to be considered official until acted upon at an upcoming regular meeting, therefore, are subject to revision.*

Town of Menasha Utility District Commission Regular Meeting  
Municipal Complex - Assembly Room - Monday, June 14, 2010

Minutes

1. Call to Order, Pledge of Allegiance and Roll Call

President Arden Tews called the meeting to order at 5:00 p.m. The Pledge of Allegiance was recited. Secretary Karen Backman took roll call; present were President Arden Tews, Commissioners Dennis Gerhart, Barbara Hanson, Gregory Ziegler and Dale Youngquist. Administrator Jeff Sturgell and other departmental staff were also present. Town Engineer Brad Werner was present. There were no attendees.

2. Awards/Presentations

3. Minutes to Approve

a) Regular Utility Commission Meeting - May 24, 2010

MOTION: Hanson/Youngquist to approve the minutes as submitted. Motion carried.

4. Minutes and Correspondence to Receive

Minutes

a) Grand Chute Menasha West Sewerage Commission Meeting - March 3 and April 7, 2010

b) Neenah-Menasha Sewerage Commission Meeting - April 27, 2010

Correspondence - none

MOTION: Gerhart/Hanson to accept the minutes and correspondence for filing. Motion carried.

5. Public forum on any matters of concern to the Town. The public may comment however, no action can be taken. Five minute time limit per person on non-repetitive matters.

6. Discussion Items

7. Unfinished Business

8. New Business-Resolutions/Ordinances/Policies

a) 100614-1:UD Accept Compliance Maintenance Annual Report (eCMAR)

MOTION: Youngquist/Ziegler to accept the report as written. Motion carried.

b) 100614-2:UD Expenditures

MOTION: Youngquist/Ziegler to approve the expenditures in the amount of \$325,969.35 without exception. Motion carried.

9. Reports

a) *Water Superintendent Roth - Capital Projects Update*: Completed the water main project in the Gardner's Row/Short Street/Calumet Street area; explained there is a 100% improvement with clear water flowing through now; the water main project began today (Monday) on E. Shady Lane/American Drive.

b) *Wastewater Superintendent Steve Laabs - Southwood Drive Sewer Main Replacement Report*: The sanitary sewer between Calumet St. and Wilson St. was projected to be sliplined (cipp) in 2011. Supt. Steve Laabs felt it was a good idea to bid this project in 2010 as a total replacement with hope for a better price and that the bid came in with the project cost significantly reduced. There will be a savings of approximately \$55,000 to do the relay vs. the (cipp) method. He suggested a budget amendment resolution be placed on the next meeting agenda and requested approval for this cost savings for the Utility District.

c) *Finance Director Myra Piergrossi - Menasha Utilities Rate Increase Report*: Stated Menasha Utilities notified the Town on Fri., May 14 that they were pursuing a water rate increase; a June 2 public hearing

had already been held. She explained how the Town purchases 50% of our water from the City of Menasha for the east side; gave the annual purchase cost increase of \$135,000 (overall affect to the Town is a 20% rate increase) and stated the rate of return and cost increases were in-line with other Utilities. Because of the significant cost increase to the Town and the time-frame, Director Piergrossi stated Baker Tilly Virchow Krause LLP was hired to review the entire water rate application in depth, in regard to fairness of allocations (ex. Town versus the City), within a short time-frame of two weeks.

Fin. Dir. Myra Piergrossi began to explain that there is a purchase water adjustment clause which allows increases in rates without a full-blown water rate study, but with a window of time opportunity for submittal. Rates must be in effect before 90 days from the date that Menasha Utilities implemented their rates; she later gave that date as being the next business day. The PSC stated they could calculate the rates in less than 30 days; Director Piergrossi read the PCS's very rough estimate of increased water rates for volume charges and fire protection based on the average usage of 17,000 gals. along with calculations based on those rates. The Finance Director reminded the Commission that the Utility District has an authorized 7% rate of return, but only had a 5.79% rate of return in 2009, which is the first full year of the 2008 rate increase.

Commissioner Dale Youngquist gave his support and felt the Commission must move quickly so the Town does not have to absorb the cost even though it is not a significant amount; other Commissioners agreed but with concerns which they expressed. Discussion ensued regarding the purchase of water and other alternatives to possibly reduce the amount of water purchased without jeopardizing the Town. Water Supt. Jeff Roth explained that the Town alone cannot supply enough water for its customers, and due to the east side's poor water quality it must be blended with a better quality of water to achieve a good mix. The Commissioners expressed concerns with the PSC's last minute notification to increase rates.

After discussion, Commissioner Youngquist encouraged the Commission to give authority to the Finance Director to do the water purchase agreement with the PSC. Fin. Dir. Piergrossi gave billing dates wherein the residents would potentially receive the increase on their water bill. The Commission agreed to placing a resolution on the next June 28 meeting for approval to allow mailing of the application to the PSC the day after the meeting-June 29.

Commissioners directed the Finance Director include a stuffer with residents' utility bills notifying them of the increase. Commissioner Youngquist stated customers who use an average amount of water would be impacted by approximately a \$10/year increase on their water bill.

## 10. Motions by Commissioners

### 11. Adjourn

At 5:36 p.m., MOTION: Hanson/Gerhart to adjourn. Motion carried.

Respectfully submitted,

Karen Backman, Secretary

*Note: These minutes are not to be considered official until acted upon at an upcoming regular meeting, therefore, are subject to revision.*

Town of Menasha Utility District Commission Regular Meeting  
Municipal Complex - Assembly Room - Monday, June 28, 2010

Minutes

1. Call to Order, Pledge of Allegiance and Roll Call

President Arden Tews called the meeting to order at 5:00 p.m. The Pledge of Allegiance was recited. Secretary Karen Backman took roll call; present were President Arden Tews, Commissioners Dennis Gerhart, Barbara Hanson, Gregory Ziegler and Dale Youngquist. Administrator Jeff Sturgell and other departmental staff were also present. Town Engineer Brad Werner was present. There were no attendees.

2. Awards/Presentations

3. Minutes to Approve

a) Regular Utility Commission Meeting - June 14, 2010

**MOTION:** Youngquist/Hanson to approve the minutes as submitted. Motion carried.

4. Minutes and Correspondence to Receive

5. Public forum on any matters of concern to the Town. The public may comment however, no action can be taken. Five minute time limit per person on non-repetitive matters.

There were no comments.

6. Discussion Items

7. Unfinished Business

8. New Business-Resolutions/Ordinances/Policies

a) 100628-1:UD Bid Award - 2010 Southwood Drive Sanitary Sewer Relay

**MOTION:** Youngquist/Ziegler to award the bid for the 2010 sanitary sewer main reconstruction project to Roger Bowers Construction Inc. in the amount of \$71,301.00; further that the Finance Director is authorized to increase the Sewer Utility capital budget by \$82,000 which includes 15% for engineering and contingency. Motion carried.

b) 100628-2:UD Water Rate Increase - Purchase Water Adjustment Clause

**MOTION:** Youngquist/Ziegler to direct the Finance Director to file the appropriate paperwork to implement the Purchase Water Adjustment clause in the Town's Utility District rate file, and calculate the rate as soon as possible.

Finance Dir. Myra Piergrossi stated Menasha Utilities increased their water rates on June 16, 2010 by approximately 20%. Therefore, the Town of Menasha could expect roughly a 2.89% increase on their utility bill for the average user. This equates to approximately \$2.50/billing quarter or \$10.00/year. Director Piergrossi stated there is a 90-day window from the date Menasha Utilities increased their water rates for the Town to implement an increase, although she may have the Town's actual rate after it is calculated by the Public Service Commission (PSC) within 30 days and would notify the Commission.

Commission Gerhart discussed having flexibility to review the water rate increase again once the actual rate is calculated, versus voting to implement the rate tonight which is not yet known; however, Director Piergrossi strongly encouraged the Commissioners to either vote for or against the estimated cost increase tonight and gave her concerns. It would delay passing on the rate increase to customers within the expected time frame. Commissioners Youngquist and Ziegler expressed that they were in agreement and feel the Town is merely passing on the increase imposed and there is no alternative to changing PSC's estimated rate, and encouraged approval at this time.

On the main motion, motion carried.

c) 100628-3:UD Expenditures

**MOTION:** Youngquist/Hanson to approve the expenditures in the amount of \$286,059.67 without exception. Motion carried.

9. Reports

a) *Water Superintendent Roth - Capital Projects Update:* The E. Shady Lane project continues; 1600 ft. of water mains have been installed so far; President Arden Tews passed on compliments he received about the crews and Heitpas & Sons who are performing the work, with being understanding of the needs of the residents; Commissioner Barbara Hanson stated that she requested Supt. Roth meet with the residents living on Fatima St. about some concerns they had, and stated the residents were very appreciative to have met with him.

10. Motions by Commissioners

11. Adjourn

At 5:25 p.m., **MOTION:** Ziegler/Hanson to adjourn. Motion carried.

Respectfully submitted,

Karen Backman, Secretary

*Note: These minutes are not to be considered official until acted upon at an upcoming regular meeting, therefore, are subject to revision.*



TO: TOM S.

June 16, 2010

Mr. Robert Stanke  
City of Menasha  
140 Main Street  
Menasha, WI 54952

*Pam,  
One of the very few times  
we've received a return  
refund on the w/c  
premiums. Copy to Tom,  
original w/policy. And  
FYI, I prepare the info.  
Mrenda*

RE: 2009 Workers' Compensation Audit

Dear Robert:

We are extremely pleased to provide to the City of Menasha a copy of the twelfth worker's compensation audit completed by CVMIC. The audit is for the period January 1, 2009 to January 1, 2010. Your staff provided information used to complete this audit. The audit indicates that a return premium is due of \$1,899.00.

If you have any questions about the audit or have any concerns, please give Ken Horner or me a call.

Yours very cordially,

**CITIES & VILLAGES MUTUAL INSURANCE CO.**

*Michael L. DeMoss*

Michael L. DeMoss  
Executive Director

MLD:scp

Enclosure

WC/Audit/2009WCAudit.ltr.doc

RECEIVED JUN 23 2010

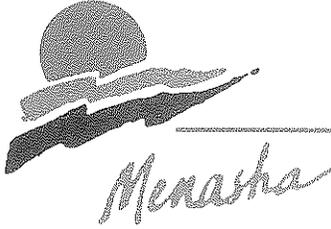
# Cities & Villages Mutual Insurance Company

Workers Compensation and Employers Liability Insurance Policy  
Premium Audit Report

Insured: City of Menasha  
 Policy Number: CWC-12-019  
 Policy Period: 1/1/09 to 1/1/10  
 Reason for Audit: Expiration  
 Type of Adjustment: Audit by Mike DeMoss

## State of Wisconsin

Code No.	Classification	Premium Basis Estimated Total Annual Remuneration	Rates per \$100 of Remuneration	Estimated Annual Premium
7710	Civil Defense workers and volunteer rescue squads - including members serving as auxiliary police at emergencies	15,600	11.15	1,739
7720	Police officers & drivers	2,204,658	3.11	68,565
8810	Clerical office employees NOC	2,082,520	0.29	6,039
9019	Bridge or Vehicular Tunnel Operations & Drivers	60,121	2.46	1,479
9412	Municipal operations - miscellaneous - City	2,992,591	4.46	133,470
Total classification premium for the state		7,355,489		<u>211,292</u>
Premium for Increased Limits Part Two			100/500/100	-
Total Premium Subject to Experience Modification				<u>211,292</u>
Premium modified to reflect Experience Modification of:			0.760	160,582
Total Estimated Standard Premium				160,582
Subject to Premium Discount				\$ 160,582
Less Premium Discount			9.4%	15,036
Estimated Annual Premium				\$ 145,546
Expense Constant				220
Total Estimated Annual Premium				<u>\$ 145,766</u>
Deposit Premium				147,665
Return Premium Due				<u>\$ (1,899)</u>



### Memorandum

TO: Common Council  
From: Greg Keil, CDD *CK*  
Date: July 14, 2010  
RE: Lake Park Villas Vacant Land Development Proposals

Staff has undertaken discussions with three development companies that have been referred to us by various means. These developers have expressed interest in initiating development projects ranging in scope from about five acres ranging up to the remainder of the vacant development land (about 50 acres). Their individual development concepts are still in the formative stage, but all of them are contemplating the mid-range housing market, at least for the initial stages. They are all likewise seeking some sort of development assistance from the city. Among the types of assistance being sought are the following:

- Discounted land prices
- Holding of land costs by the city until the housing unit is purchased by a homeowner
- Deferral or absorption of infrastructure costs by the city
- Cash grants as a marketing incentive

As staff, we are acutely aware of the debt burden being carried by the city as related to the Lake Park Villas development. We are also aware that our primary means of cost recovery -lot sales- has not been producing, in as much as we have not sold a lot in the last 2 ½ years or so. In our discussions with these and other developers, as well as other real estate professionals, getting new building activity within the area is key to breathing new life into the development.

In order to generate the resources to incent new development without placing new tax burden on the community, staff is exploring the formation of a new Mixed-Use Tax Increment Finance District as well as other options such as deferred assessments. The city's limited borrowing capacity may require developer financing of the TIF and/or limit our ability to offer deferred assessments. We have been in contact with our Financial Advisor and Bond Counsel to help us assess these options. It is clear, however, that if we aren't able to take some action to generate revenues from the Lake Park Villas development it will continue to draw upon city resources for debt repayment.

We are expecting these conceptual plans will be further developed in the next few weeks, and at such time we will ask the developers to present their concepts to the Administration Committee for its consideration.

CITY OF MENASHA  
COMMON COUNCIL  
Third Floor Council Chambers  
140 Main Street, Menasha  
TUESDAY July 6, 2010  
MINUTES

DRAFT

A. CALL TO ORDER

Meeting called to order by Mayor Merkes at 6:00 p.m.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Zelinski, Benner, Roush, Taylor, Wisneski, Langdon, Hendricks

EXCUSED: Alderman Englebert

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, Lt. Brunn, FC Auxier, DPW Radtke, C/T Stoffel, PHD Nett, Clerk Galeazzi, and the Press

DEPT. HEAD EXCUSED: CDD Keil, PRD Tungate

D. PUBLIC HEARING

None

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

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

Chris Klein, 730 Keyes St. Marketing of Lake Park Villa lots; Broker not a member of Multiple Listing Service (MLS), therefore lots not listed in MLS. Citizens deserve all available marketing tools to sell lots.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

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

Minutes to receive:

- a. [Administration Committee, 6/21/10](#)
- b. [Board of Public Works, 6/21/10](#)
- c. [Board of Health, 5/12/10](#)
- d. [Housing Authority, 6/15/10](#)
- e. [Library Board 6/17/10](#)
- f. [NM Fire Rescue Joint Finance and Personnel Committee, 6/22/10](#)
- g. [Parking Committee, 6/30/10](#)
- h. [Parks and Recreation Board, 6/14/10](#)
- i. [Safety Committee, 5/13/10; City Hall](#)
- j. [Safety Committee, 5/25/10; Public Works/Parks Dept.](#)
- k. [Sustainability Board, 6/15/10](#)

Communications:

- l. [Clerk Galeazzi, 7/1/10; Common Council Workshop](#)
- m. [Winn. Cnty. Circuit Court Branch 5, 6/30/10; Notice of Judgment & Judgment \(Tax Liens in Menasha\)](#)
- n. [Waverly Sanitary minutes, 5/11/10](#)

Ald. Wisneski: Minutes A (Administration Comm.), request change in minutes. Mayor Merkes stated change to minutes should be done during Administration Committee meeting; Minutes J (Safety Comm.) DPW Radtke was listed present and absent. DPW Radtke reported he was absent from that meeting; Minutes K (Sustainability Board), information on overflow recycling. Mayor Merkes stated a report on Recycling will be made at a future meeting.

Ald. Zelinski: Comm. L (Common Council Workshop), requested certain information for workshop.

## 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, 6/21/10](#)

Administration Committee, 6/21/10; recommends approval of:

2. [Neenah-Menasha YMCA Senior Center Collaboration Proposal](#)
3. [State of Wisconsin Authorized User/Local Government Customer Service Agreement with U.S. Cellular for cell phone service](#)

Board of Public Works, 6/21/10; recommends approval of:

4. [Street Use Application – 17<sup>th</sup> Annual St. Joe’s 5K Run/Walk; Saturday, October 16, 2010; 8:45 AM – 10:30 AM \(Pacesetter’s Fox Cities\)](#)
5. [Street Use Application – 30<sup>th</sup> Annual Otto Grunski Runski; Saturday, August 14, 2010; 6:30 AM-10:30 AM \(City of Menasha\)](#)
6. [Recommendation to award Gries Architects contract for Architectural Design Services for Fire Station 36](#)
7. [Recommendation to Accept option A of Martenson & Eisele, Inc. for Professional Land Surveying Services – Midway Road Sidewalk](#)

NM Fire Rescue Joint Finance and Personnel Committee, 6/22/10; recommends approval of:

8. The purchase of the Drager 1600 Thermal Imaging Camera from Paul Conway Shields for the quote of \$8,720.00

Parking Committee, 6/30/10; recommends:

9. Denial of request for citizens with disabilities to be exempt from the odd/even overnight parking from April 1 – November 1

Ald. Taylor requested items 6 & 7 be removed from Consent Agenda. Ald. Taylor stated he will be abstaining from voting due to conflict of interest, his wife is an employee of one of the companies bidding.

Moved by Ald. Hendricks, seconded by Ald. Wisneski to approve items 1-5, 8 & 9 of Consent Agenda. Motion carried on roll call 7-0.

## H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Ald. Hendricks, seconded by Ald Benner to approve item 6 (Gries Architects contract) Motion carried on roll call 6-0. Ald. Taylor abstained.

Moved by Ald. Hendrick, seconded by Ald. Wisneski to approve item 7 (Option A of M&E for Professional Land Surveying Services).

Motion carried on roll call 6-0. Ald. Taylor abstained.

## I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 6/18/10 to 7/1/10 in the amount of \\$838,681.29](#)

Moved by Ald. Wisneski, seconded by Ald. Roush to approve accounts payable and payroll.

Discussion: Questions/Answers on expenditures.

Motion carried on roll call 7-0.

2. [Request for Outdoor Alcoholic Beverage permit for Jean Redlin, d/b/a Redliner, 977 Plank Road for July 6, 2010 to June 30, 2011](#)

Moved by Ald. Wisneski, seconded by Ald. Zelinski to approve Outdoor Alcoholic Beverage Permit. Motion carried on roll call 7-0.

3. [Contract for voting machines sales/services](#)

Moved by Ald. Wisneski, seconded by Ald. Langdon to approve contract and instruct City Clerk to sign letter to Dominion Voting Systems for service and parts.

Motion carried on roll call 7-0.

## J. ORDINANCES AND RESOLUTIONS

### 1. [O -11- 10 – An ordinance relating to the hours of outdoor food and alcoholic beverage service](#)

Discussion ensued on changing the start time of outdoor serving from 10:00a.m. to 6:00a.m.

This change would accommodate a few taverns that open at 6:00a.m. Changes to the ordinance must take into consideration all taverns. Discussion on the current noise ordinance sets a time at 7:00a.m.

The reason for the Outdoor Serve Permit is to allow customers to have a drink with a meal.

CA Captain commented the Outdoor Serve Permits requests could be taken case by case as the permit is for one year.

Mayor Merkes invited the manager of the Redliner to speak.

Ken Zastrow, 977 Plank Road stated the Redliner opens at 6:00a.m. and they are asking to change the starting time. He would agree to a start time of 7:00a.m. This would allow smokers to sit outside earlier.

Lt. Brunn was asked to comment on the change. Lt. Brunn stated consideration should be given to taverns in a more residential neighborhood. Also, if the outdoor patio is to accommodate smoking, it will need to in compliant with the state statue on smoking ban. A 7:00a.m. start would be more reasonable.

Mayor Merkes stated discussion on this item will continue at the next meeting.

No action taken.

### 2. [R-15-10 – Consideration of an initial resolution regarding Industrial Development Revenue Bond financing to benefit Fox Valley Hematology & Oncology, S.C. information with respect to the job impact of the project will be available at the time of consideration of the initial resolution](#)

Mayor Merkes invited Atty. Tom Klancnik from Whyte, Hirschboeck, Dudek representing Fox Valley Hematology & Oncology to speak. Atty. Klancnik explained the state statute requirements for this type of bonding. The City's Bond Counsel, Quarles & Brady, has review this initial resolution and supports the form. The project is a medical clinic that is expected to employ about 20 people. The City will not be liable and it does not have an impact on the City's borrowing.

Mayor Merkes commented this is different from the County Industrial Revenue Bonding that does have an impact in the City's borrowing.

When asked if a provision could be added to the Resolution to prevent a non-profit from purchasing the building, Atty Klancnik explained as long as the bonds are outstanding it would have to be a for-profit business that occupies the building.

Moved by Ald. Hendricks, seconded by Ald. Zelinski to adopt R-15-10 and authorize the Mayor to take whatever action is necessary to effectuate this resolution.

Motion carried on roll call 7-0.

## K. APPOINTMENTS

### 1. Mayor's Appointment to the Housing Authority

#### a. [Reappointment of Christine Kaup, 1083 Stillmeadow Ln., Menasha, for the term of July 21, 2010 to July 21, 2013](#)

Moved by Ald. Wisneski, seconded by Ald. Roush to approve reappointment of Christine Kaup.

Motion carried on voice vote.

### 2. Mayor's Appointments to the Library Board

#### a. Reappointment of Jill Enos, 732 Nicolet Blvd., Menasha, for the term of July 6, 2010 to July 1, 2013

#### b. [Appointment of Paul Brunette, 1334 Mayer St. Menasha, for the term of July 6, 2010 to July 1, 2013](#)

Moved by Ald. Hendricks, seconded by Ald. Roush to approve reappointment of Jill Enos and appointment of Paul Brunette.

Discussion: When asked about Mr. Brunette being a resident of the Town of Menasha, Mayor Merkes answered there is a provision that allows for 2 of the 6 appointees to be from the Town because of the support the Town receives.

Motion carried on voice vote.

## J. HELD OVER BUSINESS

None

## K. CLAIMS AGAINST THE CITY

None

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

Ken Zastrow, 977 Plank Road. Outdoor Serve Permits are already acted on case by case. If there are problems, Council does not have to approve permit.

Mayor Merkes stated this item will be discussed at a future meeting.

M. RECESS TO ADMINISTRATION COMMITTEE AND BOARD OF PUBLIC WORKS

Moved by Ald. Wisneski, seconded by Ald. Hendricks to recess at 6:55 p.m. to Administration Committee and Board of Public Works.

Motion carried on voice vote.

Reconvened at 7:40 p.m.

N. ADJOURNMENT

Moved by Ald. Wisneski, seconded by Ald. Langdon to adjourn into closed session at 7:40 p.m.

Pursuant to Wis. Stats. §19.85(1)(g): Conferring with legal counsel for the governmental body who is rendering oral or written advise concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. (Update on WERC et al vs City of Menasha Case No. 09CV2490 & on LaFayette Life Ins. Co., et al. vs. City of Menasha Case No. 4:09CV0064)

Motion carried on roll call 7-0.

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

STATE OF WISCONSIN  
DEPARTMENT OF COMMERCE  
TERMS OF AGREEMENT

for  
**Manufactured Home Community Agents**

This agreement is made between the Wisconsin Department of Commerce, hereafter called "the department," and the Menasha City Health Department hereafter called "agent". This agreement covers the area designated City of Menasha hereafter called "geographic jurisdiction." The Safety & Buildings Division will serve as the department's designee in fulfilling terms of this contract.

**A. AUTHORITY AND JURISDICTION**

The agent has authority to act on behalf of the Wisconsin Department of Commerce, as authorized by Section 101.935(2)(e), Wisconsin Statutes, to protect public health through enforcement of sanitation regulations and fostering sanitary practices in manufactured home communities for the geographic jurisdiction.

**B. INSPECTION**

1. Agent will conduct at least one inspection each fiscal year (July 1 - June 30) of every manufactured home community, as applicable, within the geographic jurisdiction of the agent, as listed above.
2. Inspection types include:
  - a. Prelicensing inspections -- Required for all new manufactured home communities, manufactured home community expansion and manufactured home communities having a change of operator during the fiscal year (July 1 through June 30), and must be completed before the new or changed operator may open the manufactured home community to business.
  - b. Routine inspections -- During the fiscal year (July 1 through June 30), a regular inspection of each manufactured home community shall be made annually by adhering to the checklist on Form SBD-10701, Manufactured Home Community Inspection Report.
  - c. Follow-up inspection -- If a prelicensing, routine or complaint investigation indicates corrections are needed and that a return visit is appropriate to ensure that compliance has been achieved, follow-up inspections shall be made.
3. Prelicensing inspections and emergency complaints will take priority over routine and follow-up inspections.
4. The department may conduct inspections of manufactured home communities in an agent's jurisdiction in response to an emergency, for the purpose of monitoring and evaluating the agent's licensing, inspection and enforcement program or at the request of the agent.
5. Agent may, with written approval from the department, have written agreements with other units of village, city or county government to perform some inspection activities relating to enforcement of the department's rules indicated in this agreement.

**C. ENFORCEMENT**

1. Agent will enforce the Wisconsin Administrative Code rules for manufactured home communities' regulations under Subchapters I-III of Chapter Comm 26. Agent will not permit facilities to operate unless properly licensed.
2. Agent shall develop and have distributed to inspectors, a description of the inspection and enforcement plan to be implemented by the agent. This inspection and enforcement plan, and any changes to it, shall be reviewed and approved by the department. Agent will identify appropriate enforcement action for significant public health hazards and noncompliance with applicable sanitary codes.
3. Upon request from agent, the department may provide assistance in enforcement activities.

**D. STAFFING**

1. Inspections will be made by persons knowledgeable of Chapter Comm. 26, Subchapter I-III.
2. The department reserves the right to review and approve the credentials of agent's inspection staff for work performed under this agreement.
3. The agent shall arrange for backup enforcement services during periods of inspector absence exceeding ten business days or when a conflict of interest would otherwise exist.
4. Upon request from the agent, the department may provide assistance.
5. Agent shall prohibit the conducting of inspections by an employee deemed to have a conflict of interest. A conflict of interest exists whenever an employee's action or failure to act could produce a private benefit for the employee or the immediate family or business with which the employee is associated; or the matter is one in which the employee is associated; or the matter is one in which the employee in a private capacity, or a member of the employee's immediate family or business with which the employee is associated, has an interest. "Immediate family" means the employee's spouse, children, parents, siblings, or any person who receives more than half of his or her support from the employee or from whom the employee received more than half of his support.

**E. PERMITS**

1. The state permit shall be issued by the agent for a two-year period, for which the agent may collect the permit fee in two annual installments. The permit shall be placed in a prominent place in the community and be readily visible to the public.
2. All permits issued by the agent shall expire on June 30.

**F. REPORTS**

All reports shall be submitted to the Manufactured Home/Mobile Home Unit at the Department.

1. The agent shall make a report to the department within ten (10) days after taking any enforcement action involving permit suspension, revocation or court order.
2. A list of manufactured home community address or name changes, new and expanded manufactured home communities issued a permit, all changes of operators or partners, and manufactured home communities that went out of business shall be provided to the Department from the Agent by the 10<sup>th</sup> of each month following any of the above events listed.

3. Liaison with the Department will be through the Manufactured Homes Section Chief, who will represent the Department's interest in coordinating the Contractor's provision of services as outlined in the contract.
4. Any major organizational change, or change of key staff for the direct supervision or implementation of work under this agreement, shall be submitted to the department in writing.
5. By October 1 of each year, the agent shall provide the department with a complete roster of all manufactured home communities, by type and ID number, issued a permit during the previous period of July 1 through June 30.
6. Agent shall keep records of all revenue covered by this agreement.
7. Agent shall retain copies of all orders and inspection reports for at least three (3) years and as required by appropriate statutes and local ordinances. Inspection report forms approved by the department shall be used for all preclicensing, routine and follow-up inspections.
8. Agent shall keep readily available, for use by inspectors and the public, copies of all pertinent statutes, administrative codes, local ordinances and enforcement procedures.
9. Agent shall have, and make available for review by department staff and the public, procedures for the investigation and follow-up of citizen complaints about facilities regulated by this agreement.

**G. REIMBURSEMENT**

No later than October 1 of each year, pursuant to Comm 2.33(3)(c), the agent shall reimburse the Department of Commerce for each facility in the agent's geographic jurisdiction by completing and submitting form SBD-5524-E for the following annual fee amount:

For a mobile home community with 1 to 20 sites	\$ 46.25
For a mobile home community with 21 to 50 sites	\$ 83.25
For a mobile home community with 51 to 100 sites	\$129.50
For a mobile home community with 101 to 175 sites	\$166.50
For a mobile home community with more than 175 sites	\$185.00

**H. COSTS**

Revenue is set and collected by the agent. All revenue collected from facilities, to carry out the provisions of this agreement, shall not exceed direct program annual costs.

**I. EVALUATION**

1. The department may, at any reasonable time, review records, etc., accompany employes of the agent or perform inspections to evaluate compliance with the provisions of this agreement.
2. Unsatisfactory performance of the provisions of this agreement, as determined in an evaluation by the department, may be a condition of termination of this agreement or placement of agent on probation. (See K. 3.)

**J. DURATION OF CONTRACT**

This agreement shall be from July 1, 2010 through June 30, 2014. The agreement may be amended by mutual consent in writing of both parties.

**K. TERMINATION**

7/19/10

1. This agreement may be terminated by either party upon 90 days notice to the other party.
2. If this agreement is terminated, the department shall receive from the agent the prorated amount for the remainder of the fiscal year (July 1 to June 30) for all manufactured home community fees that would have been charged if the manufactured home communities had been issued permits by the state for the fiscal year.
3. Termination of this agreement by the department may be based on unsatisfactory performance of the provisions of this agreement by the agent, as determined by an evaluation of the department. (See I. 2.)
4. Upon termination of this agreement, agent shall transfer to the department applicable inspection and enforcement records.

**L. NON-APPROPRIATION OF FUNDS**

The department may terminate this agreement if the Legislature should fail to appropriate funds for its purpose.

**Agent**

**Department of Commerce**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
(name and title--print or type)

Gregory C. Jones, Administrator  
Safety & Buildings Division  
Department of Commerce  
State of Wisconsin

\_\_\_\_\_  
City or County

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Approved

  
\_\_\_\_\_  
City Attorney

## CITY OF MENASHA DISBURSEMENTS

Accounts Payable for 7/8/10-7/15/10 Checks # 26201- 26366	\$ 530,957.99
Payroll Checks for 7/8/10-7/15/10	<u>180,019.04</u>
Total	\$711,077.03

Medical Expense Reimbursement Trust-Retirement Pay Out

Menasha Employees Credit Union-Employee Deductions

Menasha Employees Local 1035-Union Dues

Menasha Employees Local 1035B-Union Dues

Wisconsin Support Collections-Child/Spousal Support

United Way-Employee Donations

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

The 07/15/2010 Accounts Payable check register will not have descriptions of purchases printed as usual. This problem will be corrected on future check registers distributed to Common Council members. Please contact the Finance Department with any questions you may have on the purchases of 07/15/2010.

## AP Check Register

### Check Date: 7/8/2010

<i>Vendor Name</i>	<i>Check Number</i>	<i>Check Date</i>	<i>Invoice Number</i>	<i>Account Number</i>	<i>Amount</i>	<i>Description</i>
AAA SANITATION INC	26201	7/8/2010	163651	100-0703-553.20-09	36.63	PORTABLE TOILETS BRIGHTON BEACH
		7/8/2010	164865	100-0703-553.20-09	100.00	PORTABLE TOILETS BRIGHTON BEACH
		7/8/2010	164866	100-0703-553.20-09	100.00	PORTABLE TOILETS BOAT LANDING
<b>Total for check: 26201</b>					<b>236.63</b>	
ACCENT BUSINESS SOLUTIONS INC	26202	7/8/2010	5396	100-0910-531.30-15	719.00	KYOCERA FS COPIER
		7/8/2010	5397	100-0903-531.24-01	547.55	COPIER CONTRACT
		7/8/2010	5398	100-0910-531.24-01	2,130.00	COPIER CONTRACT
		7/8/2010	5399	100-0910-531.24-01	250.00	COPIER CONTRACT
<b>Total for check: 26202</b>					<b>3,646.55</b>	
ALL-SPORT TROPHY	26203	7/8/2010	42945	100-0702-552.30-18	84.00	NAMETAGS
	<b>Total for check: 26203</b>					<b>84.00</b>
ALLIED GLOVE & SAFETY PRODUCTS	26204	7/8/2010	1/837780	731-1022-541.30-18	280.25	LEATHER GLOVES
	<b>Total for check: 26204</b>					<b>280.25</b>
POLLY ANDERSON	26205	7/8/2010	063010	100-0903-531.33-01	25.70	MILEAGE
	<b>Total for check: 26205</b>					<b>25.70</b>
ARCTIC GLACIER PREMIUM ICE	26206	7/8/2010	160016208	100-0704-552.30-17	186.75	ICE
	<b>Total for check: 26206</b>					<b>186.75</b>
AT&T	26207	7/8/2010	920725298106	100-0704-552.22-01	124.45	MONTHLY SERVICE 915 3RD ST
	<b>Total for check: 26207</b>					<b>124.45</b>
BADGER HIGHWAYS CO INC	26208	7/8/2010	149989	100-1003-541.82-02	20,083.84	HOTMIX ASPHALT BASE
		7/8/2010	150074	625-1010-541.30-18	450.92	6TH/WOODLAND

**AP Check Register**  
**Check Date: 7/8/2010**

Date: 7/8/2010

<i>Vendor Name</i>	<i>Check Number</i>	<i>Check Date</i>	<i>Invoice Number</i>	<i>Account Number</i>	<i>Amount</i>	<i>Description</i>
BADGER HIGHWAYS CO INC...	26208...	7/8/2010...	150074...	100-1003-541.30-18	17.03	TRADERS RD
			<b>Total for check: 26208</b>		<b>20,551.79</b>	
BERNICE ANDERSON	26209	7/8/2010	ANDERSON	100-0000-201.10-00	100.00	RETURN DEPOSIT EXCAVATIONPERMIT NO 10268
			<b>Total for check: 26209</b>		<b>100.00</b>	
BRAZEE ACE HARDWARE	26210	7/8/2010	009508	207-0707-552.30-18	9.99	WEBSTER DUSTER MARINA
			<b>Total for check: 26210</b>		<b>9.99</b>	
BRICK & SUPPLY COMPANY	26211	7/8/2010	154309	100-0704-552.30-18	34.73	SPEEDPLUG
			<b>Total for check: 26211</b>		<b>34.73</b>	
CAREW CONCRETE & SUPPLY CO INC	26212	7/8/2010	20587	100-1003-541.30-18	26.85	WHITE PIG 5 GAL
				100-1009-541.30-18	26.85	WHITE PIG 5 GAL
		7/8/2010	543435	100-1003-541.30-18	570.90	GROVE & WOODLAND
		7/8/2010	840829	625-1010-541.30-18	450.00	CONCRETE TRADERS RD
		7/8/2010	841622	100-1003-541.30-18	246.20	6TH/LONDON
		7/8/2010	841839	826-0703-553.30-18	187.50	TAYCO TO BROAD
		7/8/2010	842388	100-1003-541.30-18	562.50	WOODLAND & GROVE STS
		7/8/2010	842952	100-1003-541.30-18	712.50	HWY 47 TO AIRPORT RD
		7/8/2010	842953	100-1003-541.30-18	53.70	RIGHT POINTE WHITE
		7/8/2010	843099	100-1003-541.30-18	774.50	HWY 47 TO AIRPORT RD
		7/8/2010	843672	100-1003-541.30-18	525.00	GROVE & WOODLAND
			<b>Total for check: 26212</b>		<b>4,136.50</b>	
CRANE ENGINEERING SALES INC	26213	7/8/2010	230915-00	100-0704-552.20-04	1,359.13	REPAIR POOL VALVE
			<b>Total for check: 26213</b>		<b>1,359.13</b>	

**AP Check Register**  
**Check Date: 7/8/2010**

Date: 7/8/2010

<i>Vendor Name</i>	<i>Check Number</i>	<i>Check Date</i>	<i>Invoice Number</i>	<i>Account Number</i>	<i>Amount</i>	<i>Description</i>
CRESCENT ELECTRIC SUPPLY COMPANY	26214	7/8/2010	130-272881-00	826-0703-553.30-18	14,880.00	8 POLE FIXTURES
			<b>Total for check: 26214</b>			
DAVIES WATER #1476	26215	7/8/2010	67915	625-1010-541.30-18	375.80	FRAME/GRATE/JT SEAL
			71592	625-1010-541.30-18	562.00	SWR PIPE/GRATE
			71902	601-1020-543.30-18	274.00	M/HOLE FRM/LID
<b>Total for check: 26215</b>				<b>1,211.80</b>		
DEPLOYMENT STRATEGIES ENTERPRISES	26216	7/8/2010	1073	100-0403-513.34-02	2,495.00	ALL ACCESS MICROSOFT PACKAGE
			<b>Total for check: 26216</b>			
DIGICORPORATION	26217	7/8/2010	103243	207-0707-552.30-11	634.87	POSTAGE
				207-0707-552.29-01	530.67	PRINTING
			<b>Total for check: 26217</b>			
ENTERPRISE SYSTEMS GROUP	26218	7/8/2010	0022968-IN	100-0801-521.24-04	409.95	PRESSURZONE MICROPHONE
			<b>Total for check: 26218</b>			
FERGUSON ENTERPRISES INC #448	26219	7/8/2010	0545218-2	100-0704-552.30-18	30.01	STOCK PARTS
				100-0703-553.30-18	24.48	CVR PACKING
			<b>Total for check: 26219</b>			
FOXTAL TRAINING CENTER	26220	7/8/2010	K9	824-0801-521.21-06	240.00	BOARDING FEE GOMMEZ
			<b>Total for check: 26220</b>			
GANNETT WISCONSIN MEDIA	26221	7/8/2010	4868592	100-0203-512.29-02	50.11	LEGALS
				100-0405-513.29-02	561.00	LEGALS
			<b>Total for check: 26221</b>			

**AP Check Register**  
**Check Date: 7/8/2010**

Date: 7/8/2010

<i>Vendor Name</i>	<i>Check Number</i>	<i>Check Date</i>	<i>Invoice Number</i>	<i>Account Number</i>	<i>Amount</i>	<i>Description</i>
GOPHER SPORT	26222	7/8/2010	8122953	100-0702-552.30-18	104.92	PROGRAM SUPPLIES
			<b>Total for check: 26222</b>		<b>104.92</b>	
GREAT LAKES LASER LLC	26223	7/8/2010	100612-05	100-0801-521.30-18	7.00	NAMEPLATE
			<b>Total for check: 26223</b>		<b>7.00</b>	
GREAT LAKES UNDERGROUND EQUIPMENT	26224	7/8/2010	15666	731-1022-541.38-03	538.05	PACKING SET QB
			<b>Total for check: 26224</b>		<b>538.05</b>	
GREEN LAKE FESTIVAL OF MUSIC	26225	7/8/2010	GREENLAKE	100-0000-201.11-00	127.00	CONCERT TRIP BALANCE
			<b>Total for check: 26225</b>		<b>127.00</b>	
HAWKINS INC	26226	7/8/2010	3128766	100-0704-552.30-18	3,341.76	POOL CHEMICALS
			<b>Total for check: 26226</b>		<b>3,341.76</b>	
HEARTLAND LABEL PRINTERS INC	26227	7/8/2010	122741-H	100-0403-513.21-04	12.95	DNS HOSTING AGREEMENT
			<b>Total for check: 26227</b>		<b>12.95</b>	
HOME DEPOT CREDIT SERVICES	26228	7/8/2010	1061582	100-0704-552.30-18	233.97	SWITCHLESS/COUPLING
		7/8/2010	8030035	100-0920-531.24-03	218.00	CIMARRON
			<b>Total for check: 26228</b>		<b>451.97</b>	
HOTSY CLEANING SYSTEMS INC	26229	7/8/2010	71639-IN	731-1022-541.21-06	126.61	OUTLET/SOCKET/PLUG PRESSURE WASHER
			<b>Total for check: 26229</b>		<b>126.61</b>	
KELLY RYDER	26230	7/8/2010	RYDER	100-0000-441.23-00	55.00	CANCELLATION REFUND PARK RESERVATION
			<b>Total for check: 26230</b>		<b>55.00</b>	

**AP Check Register**  
**Check Date: 7/8/2010**

Date: 7/8/2010

<i>Vendor Name</i>	<i>Check Number</i>	<i>Check Date</i>	<i>Invoice Number</i>	<i>Account Number</i>	<i>Amount</i>	<i>Description</i>
KRACOR INC	26231	7/8/2010	79346	207-0707-552.24-03	275.74	HASP PACKAGE
			<b>Total for check: 26231</b>		<b>275.74</b>	
KUNDINGER FLUID POWER INC	26232	7/8/2010	50098014	731-1022-541.38-03	27.41	STOCK
			<b>Total for check: 26232</b>		<b>27.41</b>	
LAKESHORE TECHNICAL COLLEGE	26233	7/8/2010	LAKESHORE	100-0801-521.34-02	35.00	GRANTS CONFERENCE REGISTRATION
			<b>Total for check: 26233</b>		<b>35.00</b>	
LOCAL GOVERNMENT PROPERTY INS FUND	26234	7/8/2010	21140	733-0206-512.51-03	60.00	SPECIAL USE ANIMAL GOMEZ
			<b>Total for check: 26234</b>		<b>60.00</b>	
LOWE'S BUSINESS ACCOUNT	26235	7/8/2010	14084	100-0704-552.30-18	130.70	POOL SUPPLIES
		7/8/2010	14167	100-0704-552.30-18	47.96	POOL CONCESSION SUPPLIES
		7/8/2010	14212	100-0704-552.30-18	33.96	ELECTRONIC SCALE/ PAINT MIXER
			<b>Total for check: 26235</b>		<b>212.62</b>	
LUCY FREEMAN	26236	7/8/2010	FREEMAN	100-0702-552.20-05	175.00	SMITH PARK PERFORMANCE
			<b>Total for check: 26236</b>		<b>175.00</b>	
MANAWA TELEPHONE CO	26237	7/8/2010	070110	100-0403-513.22-01	39.95	INTERNET SERVICE
			<b>Total for check: 26237</b>		<b>39.95</b>	
MATTHEWS TIRE & SERVICE CENTER	26238	7/8/2010	34095	731-1022-541.38-02	85.96	TIRE SERVICE
			<b>Total for check: 26238</b>		<b>85.96</b>	
MENARDS-APPLETON EAST	26239	7/8/2010	26	601-1020-543.30-18	27.46	CHAINS/STRAPS
		7/8/2010	330	100-0703-553.30-18	101.92	4'x8'
		7/8/2010	98505	731-1022-541.30-18	31.71	2X4X92 5/8" SPF CONS

**AP Check Register**  
**Check Date: 7/8/2010**

Date: 7/8/2010

<i>Vendor Name</i>	<i>Check Number</i>	<i>Check Date</i>	<i>Invoice Number</i>	<i>Account Number</i>	<i>Amount</i>	<i>Description</i>
MENARDS-APPLETON EAST...	26239...	7/8/2010	99607	100-0702-552.30-18	18.75	SUPPLIES
			<b>Total for check: 26239</b>		<b>179.84</b>	
MENASHA EMPLOYEES CREDIT UNION	26240	7/8/2010	20100708	100-0000-202.05-00	2,194.00	PAYROLL SUMMARY
			<b>Total for check: 26240</b>		<b>2,194.00</b>	
MENASHA EMPLOYEES LOCAL 1035	26241	7/8/2010	20100708	100-0000-202.06-00	310.00	PAYROLL SUMMARY
			<b>Total for check: 26241</b>		<b>310.00</b>	
MENASHA UTILITIES	26242	7/8/2010		100-1008-541.22-03	195.77	ELEC OR WATER OR STORM
				100-0703-553.22-03	570.72	ELEC OR WATER OR STORM
				100-0703-553.22-05	414.61	ELEC OR WATER OR STORM
				100-0703-553.22-06	91.25	ELEC OR WATER OR STORM
				100-0000-123.00-00	8.87	ELEC OR WATER OR STORM
				100-0305-562.22-06	2.50	ELEC OR WATER OR STORM
				100-0903-531.22-03	160.57	ELEC OR WATER OR STORM
				100-0903-531.22-05	42.20	ELEC OR WATER OR STORM
				100-0703-553.22-03	14.05	ELEC OR WATER OR STORM
				601-1020-543.22-03	83.63	ELEC OR WATER OR STORM
		7/8/2010	TAXES	100-0000-201.05-00	73,290.30	DELINQUENT UTILITY PLACED ON TAXROLL
			<b>Total for check: 26242</b>		<b>74,874.47</b>	
TOWN OF MENASHA UTILITY DISTRICT	26243	7/8/2010	TAXES	100-0000-201.06-00	86,016.70	DELINQUENT UTILITY PLACED ON TAXROLL
			<b>Total for check: 26243</b>		<b>86,016.70</b>	
MINNESOTA LIFE INSURANCE COMPANY	26244	7/8/2010	AUG2010	100-0000-204.07-00	3,111.80	MONTHLY PREMIUM AUGUST 2010
			<b>Total for check: 26244</b>		<b>3,111.80</b>	
MONOPRICE INC	26245	7/8/2010	3180526	731-1022-541.30-10	123.81	LASER TONER CARTRIDGES
				100-1001-514.30-10	48.52	FAX TONER
				100-0801-521.30-12	9.10	CONVERTER CABLE

**AP Check Register**  
**Check Date: 7/8/2010**

Date: 7/8/2010

<i>Vendor Name</i>	<i>Check Number</i>	<i>Check Date</i>	<i>Invoice Number</i>	<i>Account Number</i>	<i>Amount</i>	<i>Description</i>
MONOPRICE INC...	26245...	7/8/2010...	3180526...	100-0403-513.30-15	3.83	IT EQUIPMENT
			<b>Total for check: 26245</b>		<b>185.26</b>	
MORTON SAFETY	26246	7/8/2010	494176	731-1022-541.30-18	19.68	EARMUFF THUNDER
				100-0703-553.30-18	16.68	EARMUFF THUNDER
			<b>Total for check: 26246</b>		<b>36.36</b>	
N&M AUTO SUPPLY	26247	7/8/2010	318171	731-1022-541.38-03	9.93	BAT BOX
		7/8/2010	318238	731-1022-541.38-03	41.82	V-BELTS/SPARK PLUGS
		7/8/2010	318366	731-1022-541.38-03	16.92	FUEL FILTER
		7/8/2010	318457	731-1022-541.38-03	59.98	GREASE GUN
		7/8/2010	318474	731-1022-541.38-03	14.73	DOOR HANDLE
		7/8/2010	318909	731-1022-541.30-18	8.66	GREASE HOSE
			<b>Total for check: 26247</b>		<b>152.04</b>	
NEENAH-MENASHA MUNICIPAL COURT	26248	7/8/2010	BOND	100-0000-201.03-00	139.00	BOND
			<b>Total for check: 26248</b>		<b>139.00</b>	
NEENAH-MENASHA SEWERAGE COMMISSION	26249	7/8/2010	2010-096	601-1021-543.25-01	66,871.98	WASTEWATER TREATMENT JULY 2010
		7/8/2010	2010-102	601-1021-543.25-01	2,052.00	BOND ISSUE INTEREST CHG
				601-1021-543.25-01	8,628.00	BOND ISSUE DEBT CHARGE
			<b>Total for check: 26249</b>		<b>77,551.98</b>	
SUSAN NETT	26250	7/8/2010	MILEAGE	100-0903-531.33-01	16.85	MILEAGE MAY-JUNE 2010
				100-0914-531.34-01	3.50	MILEAGE MAY-JUNE 2010
				100-0914-531.34-04	1.00	MILEAGE MAY-JUNE 2010
			<b>Total for check: 26250</b>		<b>21.35</b>	

## AP Check Register

### Check Date: 7/8/2010

<i>Vendor Name</i>	<i>Check Number</i>	<i>Check Date</i>	<i>Invoice Number</i>	<i>Account Number</i>	<i>Amount</i>	<i>Description</i>
NETWORK HEALTH SYSTEM INC	26251	7/8/2010	256454	100-0901-515.21-05	315.00	AUDIOMETRIC SCREENING
			<b>Total for check: 26251</b>		<b>315.00</b>	
RAY O'HERRON CO INC	26252	7/8/2010	0023530-IN	100-0801-521.30-15	469.00	GLOCK
			<b>Total for check: 26252</b>		<b>469.00</b>	
OFFICE DEPOT	26253	7/8/2010	886978	100-0201-512.30-10	29.44	OFFICE SUPPLIES
				100-0202-512.30-10	47.70	OFFICE SUPPLIES
				100-0405-513.30-10	2.76	OFFICE SUPPLIES
				100-0204-512.30-10	10.32	OFFICE SUPPLIES
			<b>Total for check: 26253</b>		<b>90.22</b>	
OSHKOSH TROPHY	26254	7/8/2010	81044	826-0703-553.30-18	84.60	PARK BENCH SLATS
			<b>Total for check: 26254</b>		<b>84.60</b>	
PACKER CITY INTERNATIONAL	26255	7/8/2010	3201650063	731-1022-541.38-03	50.94	F W SEPR
		7/8/2010	3201660053	731-1022-541.38-03	35.41	LUBE FILTERS/LAMPS
		7/8/2010	3201670024	731-1022-541.38-03	5.97	FUEL FILTER
		7/8/2010	3201670060	731-1022-541.38-03	23.03	AIR FILTER
			<b>Total for check: 26255</b>		<b>115.35</b>	
PARTS ASSOCIATES INC	26256	7/8/2010	PAI0940089	731-1022-541.30-18	179.61	WASHERS/CAPSCREWS
			<b>Total for check: 26256</b>		<b>179.61</b>	
REGISTRATION FEE TRUST TVRP	26257	7/8/2010	70ME	100-0000-454.00-00	500.00	PARKING TICKET PROCESS FEE
			<b>Total for check: 26257</b>		<b>500.00</b>	

**AP Check Register**  
**Check Date: 7/8/2010**

Date: 7/8/2010

<i>Vendor Name</i>	<i>Check Number</i>	<i>Check Date</i>	<i>Invoice Number</i>	<i>Account Number</i>	<i>Amount</i>	<i>Description</i>
RESERVE ACCOUNT	26258	7/8/2010	062310	100-0000-133.00-00	6,000.00	REPLENISH POSTAGE METER
			<b>Total for check: 26258</b>		<b>6,000.00</b>	
ROSS IMAGING INC	26259	7/8/2010	75902	100-1001-514.30-10	69.95	STAPLES KONICA
			<b>Total for check: 26259</b>		<b>69.95</b>	
SCHAEFFER MFG CO	26260	7/8/2010	UL3709-INV1	731-1022-541.30-18	346.80	ULTRA RED SUPREME
			<b>Total for check: 26260</b>		<b>346.80</b>	
SHOPKO STORES INC	26261	7/8/2010	50722	100-0702-552.30-18	104.91	PROGRAM SUPPLIES
			<b>Total for check: 26261</b>		<b>104.91</b>	
SPIELBAUER FIREWORKS CO INC	26262	7/8/2010	10ME694	100-0408-552.21-06	19,000.00	FIREWORKS DISPLAY
			<b>Total for check: 26262</b>		<b>19,000.00</b>	
STAPLES BUSINESS ADVANTAGE	26263	7/8/2010	3137866428	100-0702-552.30-10	16.57	OFFICE SUPPLIES
				100-0304-562.30-10	5.17	OFFICE SUPPLIES
				100-1001-514.30-10	28.68	OFFICE SUPPLIES
		7/8/2010	3137866429	100-0401-513.30-10	41.52	OFFICE SUPPLIES
		7/8/2010	3137866430	100-1019-552.30-18	131.99	VENTANA HIBK MESH
			<b>Total for check: 26263</b>		<b>223.93</b>	
SUBWAY	26264	7/8/2010	062410	100-0904-531.30-18	70.88	LUNCH NM STAFF MEETING POSSIBLE MERGER
			<b>Total for check: 26264</b>		<b>70.88</b>	
SWIDERSKI EQUIPMENT INC	26265	7/8/2010	IF02710	731-1022-541.38-03	191.49	BUSHINGS/BOLTS/PINS
		7/8/2010	IF02769	731-1022-541.38-03	537.79	GASKETS/BEARINGS/SEALS
			<b>Total for check: 26265</b>		<b>729.28</b>	

**AP Check Register**  
**Check Date: 7/8/2010**

Date: 7/8/2010

<i>Vendor Name</i>	<i>Check Number</i>	<i>Check Date</i>	<i>Invoice Number</i>	<i>Account Number</i>	<i>Amount</i>	<i>Description</i>
UNIFIRST CORPORATION	26266	7/8/2010	097 0067635	731-1022-541.20-01	107.58	MAT/MOP/CLOTHING SERVICE
			<b>Total for check: 26266</b>		<b>107.58</b>	
UNITED PAPER CORPORATION	26267	7/8/2010	28201	100-0000-132.00-00	2,494.89	BATH TISSUE/PAPER TOWELS
		7/8/2010	28220	100-0000-132.00-00	3.00	PLASTIC BOTTLE
			<b>Total for check: 26267</b>		<b>2,497.89</b>	
US CELLULAR	26268	7/8/2010	200267787-076	100-0101-511.22-01	54.80	MONTHLY SERVICE MERKES
				100-0201-512.22-01	41.64	MONTHLY SERVICE CAPTAIN
				100-0401-513.22-01	19.09	MONTHLY SERVICE STOFFEL
				100-1019-552.22-01	47.93	MONTHLY SERVICE BRIDGES
				100-0403-513.22-01	125.56	MONTHLY SERVICE JAMES/LACEY
				601-1020-543.22-01	4.90	MONTHLY SERVICE CONFINED SPACE
				100-1001-514.22-01	45.24	MONTHLY SERVICE ALIX
				100-0601-551.22-01	19.38	MONTHLY SERVICE POWELL
				100-0801-521.22-01	468.10	MONTHLY SERVICE POLICE
				100-0919-531.22-01	44.82	MONTHLY SERVICE NETT
				100-0904-531.22-01	60.83	MONTHLY SERVICE DREW
				100-1002-541.22-01	121.44	MONTHLY SERVICE RADTKE
				100-0702-552.22-01	55.04	MONTHLY SERVICE TUNGATE
				100-0703-553.22-01	183.20	MONTHLY SERVICE MAAS
				100-0304-562.22-01	21.75	MONTHLY SERVICE KEIL
				731-1022-541.22-01	101.96	MONTHLY SERVICE JACOBSON
				100-1008-541.22-01	7.96	MONTHLY SERVICE CARD
				601-1020-543.22-01	17.50	MONTHLY SERVICE SEWER TRUCK
			<b>Total for check: 26268</b>		<b>1,441.14</b>	
US SLING & SUPPLY	26269	7/8/2010	170116	601-1020-543.30-15	106.05	CLEVIS GRAB HOOKS
		7/8/2010	170197	100-1006-541.30-15	50.00	SLING STRAPS
				601-1020-543.30-15	273.00	SLING STRAPS
			<b>Total for check: 26269</b>		<b>429.05</b>	

**AP Check Register**  
**Check Date: 7/8/2010**

Date: 7/8/2010

<i>Vendor Name</i>	<i>Check Number</i>	<i>Check Date</i>	<i>Invoice Number</i>	<i>Account Number</i>	<i>Amount</i>	<i>Description</i>
VALLEY CHEMICAL LLC	26270	7/8/2010	0028511-IN	100-0703-553.30-18	8.63	STRAINER
			<b>Total for check: 26270</b>		<b>8.63</b>	
WAVERLY SANITARY DISTRICT	26271	7/8/2010	TAXES	100-0000-201.07-00	1,564.90	DELINQUENT UTILITY PLACED ON TAX ROLL
			<b>Total for check: 26271</b>		<b>1,564.90</b>	
WBAY	26272	7/8/2010	313493	100-0000-201.15-00	1,035.00	ADVERTISING FARM MARKET
			<b>Total for check: 26272</b>		<b>1,035.00</b>	
WC INDUSTRIAL SUPPLY COMPANY	26273	7/8/2010	0009248-IN	731-1022-541.38-03	7.20	V-BELT
			<b>Total for check: 26273</b>		<b>7.20</b>	
WCHK-FM	26274	7/8/2010	CC-1100671404	100-0000-201.15-00	426.00	ADVERTISING FARM MARKET JUNE 2010
			<b>Total for check: 26274</b>		<b>426.00</b>	
WCPPA	26275	7/8/2010	2010-2	100-0801-521.34-02	80.00	CRIME PREVENTION TRAINING
			<b>Total for check: 26275</b>		<b>80.00</b>	
WE ENERGIES	26276	7/8/2010	061810	100-1012-541.22-03	2,152.48	STREET LIGHTS
		7/8/2010	062410	100-0703-553.22-03	36.65	US HWY 10 & 114
			<b>Total for check: 26276</b>		<b>2,189.13</b>	
WEYERS EQUIPMENT INC	26277	7/8/2010	43098	731-1022-541.38-03	26.09	BRAIN/BUMP HEADS
			<b>Total for check: 26277</b>		<b>26.09</b>	
WIL-KIL PEST CONTROL	26278	7/8/2010	1664609	731-1022-541.20-07	64.00	COMMERCIAL CONTRACT
			<b>Total for check: 26278</b>		<b>64.00</b>	

**AP Check Register**  
**Check Date: 7/8/2010**

Date: 7/8/2010

---

<i>Vendor Name</i>	<i>Check Number</i>	<i>Check Date</i>	<i>Invoice Number</i>	<i>Account Number</i>	<i>Amount</i>	<i>Description</i>
WINNEBAGO COUNTY CLERK OF COURTS	26279	7/8/2010	BOND	100-0000-201.03-00	285.00	BOND
			<b>Total for check: 26279</b>		<u>285.00</u>	
WISCONSIN SUPPORT COLLECTIONS	26280	7/8/2010	20100708	100-0000-202.03-00	440.23	PAYROLL SUMMARY
			<b>Total for check: 26280</b>		<u>440.23</u>	
					<u>341,195.47</u>	

ACCOUNTS PAYABLE CHECK REGISTER

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
26281	12	ACCENT FLORAL & GIFTS LLC			07/15/2010	100-0408-552.30-16	40.00 *	40.00
							40.00 *	40.00
26282	33	AMERICAN CONCRETE PIPE CO			07/15/2010	625-1010-541.30-18	204.40 *	204.40
26283	795	APWA			07/15/2010	100-1002-541.32-01	151.00 *	151.00
							151.00 *	151.00
26284	70	BADGER HIGHWAYS CO INC			07/15/2010	100-1003-541.30-18	417.60	417.60
					07/15/2010	100-1003-541.30-18	159.36	159.36
					07/15/2010	625-1010-541.30-18	380.15	380.15
					07/15/2010	625-1010-541.30-18	344.32	344.32
					07/15/2010	100-1003-541.30-18	61.92	61.92
							1,363.35 *	1,363.35
26285	687	BEACON ATHLETICS			07/15/2010	100-0703-553.30-18	365.13 *	365.13
26286	80	BECK ELECTRIC INC			07/15/2010	100-0704-552.24-03	77.11	77.11
					07/15/2010	100-0000-201.15-00	696.65	696.65
					07/15/2010	100-0703-553.24-02	229.12	229.12
					07/15/2010	100-1008-541.24-04	170.88	170.88
							1,173.76 *	1,173.76
26287	81	BENDER & CO INC, MATTHEW			07/15/2010	100-0801-521.32-02	76.71 *	76.71
26288	99	BRAZEE ACE HARDWARE			07/15/2010	207-0707-552.30-18	3.99	3.99
					07/15/2010	100-0703-553.24-03	11.99	11.99
							15.98 *	15.98
26289	111	CAREW CONCRETE & SUPPLY C			07/15/2010	625-1010-541.30-18	936.00	936.00
					07/15/2010	100-1003-541.30-18	26.85-	26.85-
					07/15/2010	100-1009-541.30-18	26.85-	26.85-
							882.30 *	882.30
26290	112	CASPERS TRUCK EQUIPMENT I			07/15/2010	731-1022-541.38-03	9.63 *	9.63
26291	115	CDW GOVERNMENT INC			07/15/2010	100-0403-513.30-15	31.50	31.50
					07/15/2010	100-0801-521.30-12	34.76	34.76
							66.26 *	66.26
26292	118	CLEAR WATER CAR WASH			07/15/2010	100-0801-521.29-05	21.99 *	21.99
							21.99 *	21.99
26293	786	COMDATA			07/15/2010	100-0704-552.30-18	247.20 *	247.20
26294	120	COMMUNITY HOUSING COORDIN			07/15/2010	100-0304-562.21-06	1,800.00	1,800.00

ACCOUNTS PAYABLE CHECK REGISTER

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
26294	120	COMMUNITY HOUSING COORDIN					1,800.00 *	1,800.00
26295	1090	CORE COMMERCIAL INC			07/15/2010	100-0304-562.21-10	2,000.00 *	2,000.00
26296	595	DAVIES WATER #1476			07/15/2010	625-1010-541.30-18	366.00 *	366.00
26297	948	DEWITT ROSS & STEVENS SC			07/15/2010	267-0102-581.21-01	812.00 *	812.00
26298	141	DIGICORPORATION			07/15/2010	100-1002-541.29-01	157.50	
					07/15/2010	100-0000-134.00-00	78.50-	
					07/15/2010	100-1002-541.29-01	161.00	
					07/15/2010	100-0000-134.00-00	85.00-	
					07/15/2010	100-0000-134.00-00	65.40-	
					07/15/2010	100-0801-521.29-01	156.40	
					07/15/2010	100-0801-521.29-01	62.16	
					07/15/2010	100-0000-134.00-00	13.16-	
					07/15/2010	100-0203-512.29-01	86.00	
					07/15/2010	100-0000-134.00-00	34.00-	
							347.00 *	347.00
26299	778	ENERGY CONTROL & DESIGN I			07/15/2010	100-0704-552.24-04	1,456.95 *	1,456.95
26300	152	FASFENAL COMPANY			07/15/2010	100-0703-553.30-18	62.17	
					07/15/2010	100-0703-553.30-18	25.68	
							87.85 *	87.85
26301	153	FERGUSON ENTERPRISES INC			07/15/2010	100-0703-553.24-03	47.76	
							47.76 *	47.76
26302	162	FOX VALLEY TECHNICAL COLL			07/15/2010	100-0801-521.34-03	520.00	
							520.00 *	520.00
26303	176	GOSS AUTO BODY INC			07/15/2010	100-0801-521.29-05	90.00	
							90.00 *	90.00
26304	183	GUNDERSON UNIFORM & LINEN			07/15/2010	100-0801-521.30-18	29.79	
							29.79 *	29.79
26305	187	HAWKINS INC			07/15/2010	100-0704-552.30-18	9.11	
							9.11 *	9.11
26306	188	HEARTLAND LABEL PRINTERS			07/15/2010	100-0403-513.24-04	3,598.00	
							3,598.00 *	3,598.00
26307	193	HORN PRECAST			07/15/2010	601-1020-543.30-18	120.00	
					07/15/2010	625-1010-541.30-18	562.00	
							682.00 *	682.00

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
26308	194	HORST DISTRIBUTING INC			07/15/2010	100-0703-553.30-18	929.10	
					07/15/2010	731-1022-541.38-03	172.13	
							1,101.23 *	1,101.23
26309	217	KAEMPFER & ASSOCIATES INC			07/15/2010	601-1020-543.21-02	1,797.84	
					07/15/2010	601-1020-543.21-02	221.67	
					07/15/2010	601-1020-543.21-02	344.59	
							2,364.10 *	2,364.10
26310	221	KJ WASTE SYSTEMS INC			07/15/2010	266-1027-543.21-06	965.00	
							965.00 *	965.00
26311	224	KONE INC			07/15/2010	100-0801-521.24-03	157.38	
							157.38 *	157.38
26312	603	KYLE RAU			07/15/2010	100-0000-201.10-00	100.00	
							100.00 *	100.00
26313	234	LAKE PARK VILLAS HOMEOWNE			07/15/2010	100-0703-553.30-18	523.74	
					07/15/2010	100-0703-553.21-06	2,104.32	
					07/15/2010	100-0703-553.22-03	255.74	
					07/15/2010	625-1010-541.21-06	47.47	
					07/15/2010	625-1010-541.22-03	860.92	
					07/15/2010	100-1012-541.22-03	30.71	
							3,822.90 *	3,822.90
26314	239	LAWSON PRODUCTS INC			07/15/2010	731-1022-541.30-18	159.37	
							159.37 *	159.37
26315	243	LEVENHAGEN CORPORATION			07/15/2010	207-0707-552.38-01	2,672.77	
					07/15/2010	207-0707-552.38-01	560.64	
					07/15/2010	207-0707-552.38-01	1,266.27	
					07/15/2010	207-0707-552.38-01	4,172.71	
					07/15/2010	207-0707-552.38-01	3,511.68	
					07/15/2010	207-0707-552.38-01	4,241.32	
					07/15/2010	207-0707-552.38-01	4,361.40	
							20,786.79 *	20,786.79
26316	275	MARC			07/15/2010	731-1022-541.30-18	241.47	
							241.47 *	241.47
26317	255	MATTHEWS TIRE & SERVICE C			07/15/2010	731-1022-541.38-02	94.99	
							94.99 *	94.99
26318	263	MEMORIAL FLORISTS INC			07/15/2010	100-0701-533.30-18	581.16	
					07/15/2010	100-0703-553.30-18	367.20	
					07/15/2010	207-0707-552.30-18	460.00	
					07/15/2010	100-0703-553.30-18	3,190.74	
					07/15/2010	100-0703-553.30-18	2,036.10	
							6,635.20 *	6,635.20

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
26319	264	MENARDS-APPLETON EAST			07/15/2010	100-0704-552.30-13	11.90	11.90
							11.90	*
26320	267	MENASHA EMPLOYEES CREDIT	PR0715		07/15/2010	100-0000-202.05-00	19,620.00	19,620.00
							19,620.00	*
26321	269	MENASHA EMPLOYEES LOCAL 1	PR0715		07/15/2010	100-0000-202.06-00	310.00	310.00
							310.00	*
26322	270	MENASHA EMPLOYEES LOCAL 1	PR0715		07/15/2010	100-0000-202.07-00	286.40	286.40
							286.40	*
26323	445	MENASHA PARK & RECREATION			07/15/2010	100-0702-552.30-18	52.50	52.50
							52.50	*
26324	449	MENASHA POLICE DEPARTMENT			07/15/2010	100-0000-201.03-00	346.00	346.00
							346.00	*
26325	450	MENASHA PUBLIC WORKS FACI			07/15/2010	100-1019-552.30-18	33.58	33.58
					07/15/2010	731-1022-541.38-03	37.56	37.56
							71.14	*
26326	266	MENASHA UTILITIES			07/15/2010	625-0401-513.25-01	1,028.98	1,028.98
					07/15/2010	601-1021-543.25-01	17,120.80	17,120.80
					07/15/2010	100-1008-541.21-06	161.31	161.31
					07/15/2010	100-1012-541.22-03	14,785.04	14,785.04
							33,096.13	*
26327	1	MENOMONEE FALLS POLICE DE			07/15/2010	100-0000-201.03-00	664.00	664.00
							664.00	*
26328	283	MODERN DAIRY INC			07/15/2010	100-0704-552.30-17	489.75	489.75
					07/15/2010	100-0704-552.30-17	183.16	183.16
					07/15/2010	100-0704-552.30-17	226.04	226.04
							898.95	*
26329	800	MONOPRICE INC			07/15/2010	100-0703-553.30-10	42.21	42.21
							42.21	*
26330	286	MORTON SAFETY			07/15/2010	731-1022-541.30-18	231.59	231.59
							231.59	*
26331	2	N&M AUTO SUPPLY			07/15/2010	731-1022-541.38-03	126.53	126.53
					07/15/2010	731-1022-541.38-03	55.49	55.49
					07/15/2010	731-1022-541.38-03	31.39	31.39
					07/15/2010	731-1022-541.38-03	174.65	174.65
					07/15/2010	731-1022-541.38-03	10.34	10.34
					07/15/2010	731-1022-541.38-03	35.88	35.88
					07/15/2010	731-1022-541.38-03	9.82	9.82
					07/15/2010	731-1022-541.38-03	24.49	24.49
							41.77	*

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
26332	295	NEENAH-MENASHA MUNICIPAL			07/15/2010	100-0000-201.03-00	139.00	
					07/15/2010	100-0000-201.03-00	140.00	
							279.00 *	279.00
26333	305	NORTHEAST ASPHALT INC			07/15/2010	100-1003-541.82-02	14,502.68	
							14,502.68 *	14,502.68
26334	116	ONE COMMUNICATIONS			07/15/2010	100-0402-513.22-01	3.49	
					07/15/2010	100-0201-512.22-01	6.55	
					07/15/2010	100-0000-123.00-00	9.46	
					07/15/2010	100-0203-512.22-01	11.46	
					07/15/2010	100-0304-562.22-01	17.52	
					07/15/2010	100-1001-514.22-01	74.78	
					07/15/2010	100-0401-513.22-01	30.40	
					07/15/2010	731-1022-541.22-01	20.65	
					07/15/2010	100-0903-531.22-01	41.21	
					07/15/2010	100-0403-513.22-01	14.64	
					07/15/2010	100-0601-551.22-01	157.46	
					07/15/2010	100-0101-511.22-01	9.23	
					07/15/2010	100-0702-552.22-01	16.68	
					07/15/2010	100-0703-553.22-01	26.24	
					07/15/2010	100-0202-512.22-01	11.06	
					07/15/2010	100-0801-521.22-01	263.61	
					07/15/2010	100-1002-541.22-01	36.84	
					07/15/2010	100-0920-531.22-01	8.02	
					07/15/2010	100-1008-541.22-01	3.49	
					07/15/2010	100-0502-522.22-01	41.88	
					07/15/2010	207-0000-123.00-00	37.64	
					07/15/2010	100-0000-123.00-00	287.68	
							1,129.99 *	1,129.99
26335	317	PACKER CITY INTERNATIONAL			07/15/2010	731-1022-541.38-03	5.97-	
					07/15/2010	731-1022-541.38-03	32.64	
					07/15/2010	731-1022-541.38-03	74.16	
					07/15/2010	731-1022-541.38-03	4.48	
					07/15/2010	731-1022-541.38-03	41.00	
							146.31 *	146.31
26336	328	POSTAL ANNEX			07/15/2010	731-1022-541.30-11	65.86	
					07/15/2010	100-0801-521.30-11	7.07	
					07/15/2010	100-0801-521.30-11	1.69	
					07/15/2010	100-0920-531.30-11	21.59	
							96.21 *	96.21
26337	780	POWELL, DAVE			07/15/2010	100-1001-514.33-01	17.05	
							17.05 *	17.05
26338	1091	PRECISION SEAL COATING IN			07/15/2010	100-1003-541.20-10	20,999.48	
							20,999.48 *	20,999.48
26339	337	RED			07/15/2010	100-0801-521.19-03	256.05	

ACCOUNTS PAYABLE CHECK REGISTER

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
26339	337	RED					256.05 *	256.05
26340	338	REDI-WELDING CO			07/15/2010	731-1022-541.30-18	75.00 *	75.00
26341	68	SANOPI PASTEUR INC			07/15/2010	100-0903-531.30-18	53.65 *	53.65
26342	360	SERVICEMASTER BUILDING MA			07/15/2010	100-0801-521.20-01	1,395.00	
					07/15/2010	100-0801-521.20-01	50.00	
							1,445.00 *	1,445.00
26343	362	SHOPKO STORES INC			07/15/2010	100-0801-521.30-18	19.96 *	19.96
26344	828	SMITH NATIONAL INC, RA			07/15/2010	100-1003-541.21-02	1,199.95 *	1,199.95
26345	84	STANLEY SECURITY SOLUTION			07/15/2010	207-0707-552.30-18	126.08 *	126.08
26346	680	STATE INDUSTRIAL PRODUCTS			07/15/2010	100-0000-132.00-00	219.18 *	219.18
26347	386	TESCH CHEMICAL CO INC			07/15/2010	100-0703-553.30-13	43.08 *	43.08
26348	387	THEDACARE			07/15/2010	100-0801-521.21-05	168.00 *	168.00
26349	731	TRAVIS BRICCO			07/15/2010	100-0702-552.20-03	318.00 *	318.00
26350	399	UNIFIRST CORPORATION			07/15/2010	731-1022-541.20-01	111.08 *	111.08
26351	403	UNITED PAPER CORPORATION			07/15/2010	100-0000-132.00-00	47.51	
					07/15/2010	100-0704-552.30-13	191.40	
							238.91 *	238.91
26352	405	UNITED WAY FOX CITIES	PR0715		07/15/2010	100-0000-202.09-00	72.75 *	72.75
26353	945	US OIL CO INC			07/15/2010	731-1022-541.21-06	36.00	
					07/15/2010	100-0000-131.00-00	11,065.90	
					07/15/2010	100-0000-131.00-00	8,706.93	
							19,808.83 *	19,808.83
26354	419	VALLEY GASKET INC			07/15/2010	100-0704-552.30-18	274.68 *	274.68

ACCOUNTS PAYABLE CHECK REGISTER

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
26355	424	WALMART COMMUNITY			07/15/2010	100-0702-552.30-18	5.04 *	5.04
26356	429	WAVERLY SANITARY DISTRICT			07/15/2010	100-0703-553.22-05	76.59 *	76.59
26357	114	WC INDUSTRIAL SUPPLY COMP			07/15/2010	731-1022-541.38-03	7.80 *	7.80
26358	431	WE ENERGIES			07/15/2010	100-0701-533.22-03	9.04	
					07/15/2010	100-0701-533.22-03	8.66	
							17.70 *	17.70
26359	431	WE ENERGIES			07/15/2010	267-0102-581.22-04	11.15 *	11.15
26360	435	WG INC			07/15/2010	100-0702-552.30-18	92.66 *	92.66
26361	438	WINNEBAGO COUNTY CLERK OF			07/15/2010	100-0000-201.03-00	650.00	
					07/15/2010	100-0000-201.03-00	385.00	
							1,035.00 *	1,035.00
26362	439	WINNEBAGO COUNTY REGISTER			07/15/2010	263-0306-562.70-01	30.00 *	30.00
26363	439	WINNEBAGO COUNTY REGISTER			07/15/2010	100-0203-512.21-08	13.00 *	13.00
26364	440	WINNEBAGO COUNTY TREASURE			07/15/2010	100-1016-543.25-01	12,976.23	
					07/15/2010	100-1017-543.25-01	4,071.48	
							17,047.71 *	17,047.71
26365	587	WISCONSIN PARK & RECREATI			07/15/2010	100-0702-552.34-02	32.00 *	32.00
26366	476	WISCONSIN SUPPORT COLLECT PR0715			07/15/2010	100-0000-202.03-00	1,227.76 *	1,227.76

BANK/CHECK TOTAL 189,762.52  
 ALL BANKS/CHECKS TOTAL 189,762.52



July 14, 2010

To: Common Council

From: Debbie Galeazzi, Clerk

Subject: Change of Agent for The Bar at Lake Park LLC

A change of agent from Dave Schepp to Brandon Luedke has been requested by The Bar at Lake Park LLC, d/b/a Sliders, 890 Lake Park Road. All proper paperwork has been filed with the Clerk's office. A check of municipal and state criminal records on Mr. Luedke was completed by PC Stanke. Based on the information received, PC Stanke has no objection to the new agent appointment.

July 14, 2010

Debbie Galeazzi, WCMC  
City Clerk  
City of Menasha  
140 Main Street  
Menasha, WI 54952

**RE: Change of Agent for The Bar on Lake Park, LLC d/b/a Sliders Bar & Grill**

Dear Debbie:

The Bar on Lake Park, LLC is removing Dave Schepp as the agent for the liquor license. Dave is no longer going to hold the agent as ownership has decided not to move forward with a partnership with Dave. However, the ownership has decided to move forward with a partnership with Brandon Luedke. Brandon will be our General Manager and the Agent.

We would like to make this change effective immediately.

Please do not hesitate to contact me with any questions.

Best Regards,



Kim Pischke  
Managing Member  
The Bar on Lake Park LLC  
890 Lake Park Road  
Menasha, WI 54952

Ordinance O-11-10

AN ORDINANCE RELATING TO THE HOURS OF OUTDOOR FOOD AND ALCOHOLIC BEVERAGE SERVICE

Introduced by Alderman Hendricks

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

SECTION 1: Amend Title 7, Chapter 2, Article A, SEC.7-2-17(c) of the Code of Ordinances of the City of Menasha, Wisconsin as follows:

**Title 7 – Licensing and Regulation**

**CHAPTER 2**

Fermented Malt Beverages and Intoxicating Liquor

**ARTICLE A**

Fermented Malt Beverages and Intoxicating Liquor

**SEC. 7-2-17 OUTDOOR FOOD AND ALCOHOLIC BEVERAGE PERMITS REQUIRED AT CLASS "B" PREMISES.**

(c) **TIME OF OPERATION.** The outdoor seating area may only be open from ~~ten~~ six a.m. until one-half hour before the closing time required by State law. ~~No one may be in the outdoor seating area beyond those hours unless they are employees of the licensed premise and are actually involved in the process of clean up, maintenance or repair.~~ The shift commander of the Police Department has the authority to order any outdoor seating area to be closed down at any time the Shift Commander believes it is in violation of this ordinance.

SECTION 2: This amending Ordinance shall take effect upon passage and publication as provided by law.

Passed and approved this      day of      , 2010.

\_\_\_\_\_  
Donald Merkes, Mayor

ATTEST:

\_\_\_\_\_  
Deborah A. Galeazzi, City Clerk