

CITY OF MENASHA
Joint Common Council and Menasha Utilities Comm
140 Main Street, 3rd Floor Council Chambers
Closed Session
December 3, 2007
MINUTES

DRAFT

1. CALL TO ORDER

- A. Meeting Called to Order by Mayor Laux at 7:40 p.m.

2. ROLL CALL/EXCUSED ABSENCES

- A. PRESENT: Ald. Chase, Merkes, Taylor, Wisneski, Pack, Hendricks, Eckstein, Michalkiewicz
Comm. Allwardt, Fahrbach, Laux
EXCUSED: Comm. Martenson, Watson
ALSO PRESENT: CA/HRD Brandt, C/T Stoffel, Carol Wirth (RBC Capital Markets),
Clerk Galeazzi

3. DISCUSSION

- A. PCI Arbitration

CA/HRD Brandt explained the arbitration hearing is scheduled for June 2008. PCI filed motions to disqualify the Utilities attorneys due to a conflict of interest and to depose them in the alternative. The arbitrator denied both motions. Depositions are in process. Settlement discussions have not taken place. PCI Errors and Omissions Limits are \$2,000,000 Insurance coverage from the \$5,000,000 umbrella policy is uncertain.

- B. Equipment Operations

CA/HRD Brandt explain no current plan to initiate litigation for any equipment. The priority is to improve steam plant efficiency as called for by Sargent & Lundy. Dresser Rand has been working with staff to solve turbine problems.

- C. Steam contract Negotiations

CA/HRD Brandt explained GM Doug Young is the lead person on the negotiations of the steam contracts. Any amendments to the contracts require approval of the Commission. Other steam customers are being considered according to Commission priority plan .

4. ADJOURNMENT

- A. Moved by Ald. Wisneski, seconded by Ald. Pack to adjourn at 8:23 p.m.
Motion carried on voice vote.

Respectfully submitted by Deborah A. Galeazzi, City Clerk

CITY OF MENASHA
Joint Common Council and Menasha Utilities Comm.
140 Main Street, 3rd Floor Council Chambers
August 4, 2008

MINUTES

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1. CALL TO ORDER

Meeting called to order by President Allwardt at 5:00 p.m.

2. PLEDGE OF ALLEGIANCE

A. Pledge of Allegiance

3. ROLL CALL/EXCUSED ABSENCES

A. Roll Call

PRESENT: Ald. Wisneski, Pack, Hendricks, Zelinski, Michalkiewicz, Pamenter, Taylor

EXCUSED: Ald. Benner

COMMISSIONER: Allwardt, Watson, Merkes,

EXCUSED: Comm Guidote, Fahrbach

ALSO PRESENT: CA/HRD Brandt, MUGM Young, Clerk Galeazzi, Atty Jim Bartzen

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

Five (5) minute time limit for each person

A. People from the gallery to be heard: only pertaining to matters on the agenda - five (5) minute time limit for each person.

No one spoke

5. DISCUSSION

A. Motion to Adjourn into Closed Session pursuant to Sec. 19.85(1)(g) 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: (PCI Arbitration)

Moved by Comm. Watson, seconded by Ald. Wisneski to adjourn into closed session at 5:03 pm.
Motion carried on roll call 10-0 (All voting aye)

B. Closed Session 1) Roll Call 2) PCI Arbitration

PRESENT: Ald. Wisneski, Pack, Hendricks, Zelinski, Michalkiewicz, Pamenter Taylor

EXCUSED: Ald. Benner

COMMISSIONERS: Allwardt, Watson, Mayor Merkes

EXCUSED: Comm. Guidote, Fahrbach

ALSO PRESENT: CA/HRD Brandt, MUGM Young, Clerk Galeazzi, Atty Jim Bartzen

CA/HRD Brandt explained the mediation agreement. The Council received a copy of the agreement. The Utility Commission has the authority to accept the agreement. The agreement has a non-disparagement clause.

Attorney Jim Bartzen explained if the agreement is accepted it will then be released to the public. He gave a brief overall of the mediation settlement. It started out with the City demanding \$1.7 million and the final settlement was \$875,000. The agreement has PCI paying \$1 million to Utilities and Utilities paying PCI \$140,000. PCI would then pay the subcontractor, Pasco, Inc, \$65,000 for outstanding bills. Both parties deny any liability and the settlement does not constitute an admission of liability. The agreement will end all claims relating to the steam plant project.

Atty Bartzen feels it is a reasonable settlement which will allow both parties to move on. There is no appeals process with mediation. If this case would go to arbitration there could be a chances to get more in damages, but the attorney fees will be increased. There is also the chance it will be less of a settlement.

6. ADJOURNMENT

A. Menasha Common Council

Moved by Ald. Wisneski, seconded by Ald. Michalkiewicz to adjourn at 5:43 p.m.
Motion carried on voice vote.

B. Menasha Utilities Commission - Motion to reconvene in Open Session to complete items on the agenda of Special Menasha Utilities Commission meeting of August 4, 2008

Moved by Comm. Watson, seconded by Mayor Merkes to adjourn at 5:44 p.m.
Motion carried on voice vote.

Respectfully submitted by Deborah A. Galeazzi, City Clerk