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CITY OF MENASHA
Special Common Council
Third Floor Council Chambers
140 Main Street, Menasha
October 22, 2009
MINUTES

A. CALL TO ORDER
Meeting called to order by Mayor Merkes at 5:00 p.m.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL/EXCUSED ABSENCES
PRESENT: Ald. Benner, Roush, Taylor, Wisneski, Pack, Hendricks, Zelinski, Englebert
ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Stanke, C/T Stoffel, MUGM Sturm, Clerk Galeazzi and the Press

D. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA
(five (5) minutes time limit for each person)
No one spoke

E. DISCUSSION/ACTION ITEMS
1. R-26-09 – Resolution Approving and Authorizing an Application to the Board of Commissioners of Public Lands, State of Wisconsin, for a Loan of Six Million Nine Hundred Thirty Thousand ($6,930,000) and Levying Upon all the Taxable Property in the City, a Direct Annual Tax Sufficient in Amount to Pay the Loan.

Moved by Ald. Wisneski, seconded by Ald. Pack to adopt R-26-09

Discussion: C/T Stoffel explained the City has $13.9 million in GO debt coming due on September 1, 2010 for the Steam Utility project. The City did applied for and was granted approval from the Board of Commissioners of Public Lands the borrowing of $7 million. The City has not executed that borrowing yet. This Resolution is to authorize the City to make application to the Board of Commissioners of Public Lands for the remaining $6,930,000. Two conditions would be the $7 million would need to be drawn by Dec. 1, 2009 and the $6,930,000 be drawn between March 16, 2010 and March 31, 2010. If this borrowing does not occur, the balance would have to go onto the tax levy.

Questions were asked how this borrowing affects the recent Claim Against the City. CA Captain referred these questions to be discussed in closed session

Moved by Ald. Roush, seconded by Ald. Hendricks to postpone action on R-26-09 until after Closed Session.
Motion to postpone carried on roll call 8-0.

(Clerk's note: refer to under Item F4 for final vote on adopting R-26-09)

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F. CLAIMS AGAINST THE CITY

1. LaFayette Life Insurance Company, et al vs City of Menasha et al, Case #4:09CV0064 (U.S. District Court, Indiana)

CA/HRD Captain explained the claim that was served to the City Clerk on Oct. 21, 2009. The original claim was filed in Indiana in Sept., 2009. There are 12 counts that need a response in 20 days from the day it was served. Attorney Andrew Kintzinger from Hunton & Williams is available via the telephone to answer questions.

2. 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 advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. (Claim against the City)

   Moved by Ald. Wisneski, seconded by Ald. Pack to adjourn into Closed Session
   Motion carried on roll call 8-0.

3. Return into Open Session

   Moved by Ald. Pack, seconded by Ald. Englebert to return into Open Session
   Motion carried on voice vote.

4. Actions if any needed as a result of the Closed Sessions Discussion

   Moved by Ald. Wisneski, seconded by Ald. Pack to authorize City Attorney Captain To engage litigation counsel in order to respond to the complaint.
   Motion carried on roll call 8-0.

Referred back to Item E1
Pending motion to adopt R-26-09 carried on roll call 8-0.

G. ADJOURNMENT

Moved by Ald. Pack, seconded by Ald. Englebert to adjourn at 7:00 p.m.
Motion carried on voice vote.

Respectfully submitted by
Deborah A. Galeazzi, WCMC
City Clerk