

# NEENAH-MENASHA SEWERAGE COMMISSION

## Regular Meeting

Tuesday March 24, 2009

Meeting was called to order by Commission President W. Zelinski at 8:00 a.m.

**Present:** Commissioners R. Zielinski, D. Youngquist, T. Hamblin, K. Bauer, W. Helein, G. Falck, W. Zelinski; Manager Much, Attorney Gunz, Accountant Voigt.

**Also Present:** Paul Much, Jim Peichl, Rob Franck (MCO); Chad Olsen (McMAHON).

February 24, 2009 minutes. Commissioner G. Falck requested the minutes of the February 24, 2009 meeting should be amended to include his request for additional health insurance information during the discussion of approving the MCO invoice. Motion made by Commissioner R. Zielinski, seconded by Commissioner T. Hamblin to approve the minutes of the Regular Meeting of February 24, 2009 as amended. Motion carried unanimously.

## Correspondence

The following correspondence was discussed:

- A. March 19, 2009 letter from Randall Much, NMSC to Mr. Robert Potratz, Gizmo Farms.  
RE: NMSC actions due to overloading sludge spreading on sites.

Manager Much reported a verbal response was received from Bob Potratz on Gizmo Farms. The Commission discussed the issues; we may need to have a meeting with Gizmo Farms, the DNR, and the Commission Attorney. Attorney Gunz will review the sludge hauling and disposal contract with Gizmo Farms. The Commissioners were informed that land spreading of sludge is currently the most cost effective solution in dealing with the sludge disposal.

## Budget, Finance, Personnel

Accountant Voigt distributed a Draft Copy of the 2008 Financial Audit to the Commissioners. The audit will be presented and discussed at the April meeting.

Accountant Voigt presented the preliminary financial statements for the month of February 2009. Commissioner D. Youngquist requested that the bills received from Davis & Kuelthau for the Fox River cleanup, which are reimbursed to the Commission by the Cities of Neenah and Menasha should be classified as a prepaid expense to eliminate the effects of having these bills impacting the income statement on a monthly basis. After discussion, motion made by Commission D. Youngquist, seconded by Commissioner K. Bauer to accept the financial statements for the month of February and place it on file. Motion carried unanimously.

Accountant Voigt presented MCO Invoice #13405 in the amount of \$118,252.31 for the month of April 2009. Commissioner G. Falck reported he has received the additional information on the MCO health insurance plan and the dollar amount of claims paid and amount paid by the NMSC to MCO for the health insurance plan during the last 2 – 3 years. After discussion, motion by

Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to approve MCO Invoice #13405 in the amount of \$118,252.31 for the month of April 2009 and to pay the invoice after April 1. Motion carried unanimously.

Accountant Voigt presented the Accountants Report for the month of February. The money market rates have continued to decrease. Income generated for the Commission by MCO in January totaled \$2,314. Accountant Voigt reported on TIPS investments and also the availability of CEDARS which allow the investment of dollar amounts greater than FDIC insurance levels at a financial institution and still maintain FDIC insurance coverage on the funds. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to accept the Accountants Report for the month of February 2009. Motion carried unanimously.

McMAHON invoices #45095 and #45096 were presented for payment. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner T. Hamblin to approve for payment McMAHON invoices #45095 and #45096. Motion carried unanimously.

### **Operations, Engineering, Planning**

Manager Much presented and discussed the operating report for the month of February 2009. The plant is running well; the plant is being watched closely with the current wet weather being experienced. The final WPDES permit from the DNR has been received; it will be discussed at the April meeting. After discussion, motion by Commissioner R. Zielinski, seconded by Commissioner K. Bauer to accept the operating report for the month of February 2009. Motion carried unanimously.

Manager Much reported to the Commission on the 230kW Biogas engine. The purchase price for the engine has been agreed upon. We are tracking the costs for parts for the engine and components that may be needed on the engine for our application. The engine will be available in April; we are looking at a May or June installation.

### **Old Business**

Interceptor ownership. Attorney Gunz reported he met with Town of Menasha representatives; they have an interest in owning the interceptor located in the Town of Menasha.

Biosolids Management. No new information to report.

Heat Exchanger. The full scale heat exchanger unit has been ordered.

Lab Office – HVAC Study. The report will be available at the April meeting.

### **Motion to Convene Into Closed Session**

Commissioner R. Zielinski made a motion to convene into closed session under Section 19.85(1)(g) and 19.85(1)(e) of the Wisconsin Statutes to confer with legal counsel concerning strategy to be adopted by the NMSC with respect to their joint defense with the Cities of Neenah and Menasha in connection with potential liability arising from the Lower Fox River/Green Bay

Natural Resource Damage Assessment, Lower Fox River and Green Bay remediation issues, and related potential litigation and to discuss strategies for negotiations with representatives of the United States of America and the State of Wisconsin on compromise settlement of potential CERCLA liability, indemnification, contribution protection and municipal entities infrastructure concerns with respect to the Lower Fox River/Green Bay AND under Section 19.85(1)(e) of the Wisconsin Statutes to confer with legal counsel for the purpose of deliberating or negotiating the purchase of property regarding sludge land spreading; motion seconded by Commissioner D. Youngquist. Motion carried unanimously. The Commission convened into closed session at 8:55 am.

Commissioner T. Hamblin made a motion to adjourn the closed session and reconvene into Regular open session; motion seconded by Commissioner R. Zielinski. Motion carried unanimously. The Commission returned to Regular open session at 9:47 am.

**Vouchers**

Motion made by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to approve operating and payroll fund vouchers #130847 through #130885 in the amount of \$227,896.60 for the month of February. Motion carried unanimously.

Motion made by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 9:48 a.m.

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President

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Secretary

**THE NEXT REGULAR MEETING IS ON TUESDAY April 28<sup>th</sup> 2009.**

