NEENAH-MENASHA SEWERAGE COMMISSION

Regular Meeting

Tuesday March 23, 2010

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

Present: Commissioners Gordon Falck, William Helein, Raymond Zielinski, Dale Youngquist, Tim Hamblin, Kathy Bauer, William Zelinski; Manager Randall Much, Attorney John Thiel, Accountant Roger Voigt.

Also Present: Paul Much (MCO); Mike Sambs (Waverly); Chad Olsen, Tom Kispert (McMahon).

Motion made by Commissioner Raymond Zielinski, seconded by Commissioner Tim Hamblin to approve the minutes of the Regular Meeting of February 23, 2010 and the minutes for the Closed Session of February 23, 2010. Motion carried unanimously.

Correspondence

There was no correspondence to be discussed.

Budget, Finance, Personnel

Accountant Voigt presented the financial statements for the month of February 2010. Operating Fund income is under budget; operating expenses are also under budget. The 2009 audit should be completed and ready for the April meeting. Commissioner Dale Youngquist questioned the amortization of contributions. After discussion, motion made by Commissioner Dale Youngquist, seconded by Commissioner Raymond Zielinski to accept the financial statements for the month of February and place it on file. Motion carried unanimously.

Accountant Voigt presented MCO Invoices #14349, #14378, and #14376 in the amounts of $119,150.00, $576.25 and $21.18. After discussion, motion by Commissioner Dale Youngquist, seconded by Commissioner Raymond Zielinski to approve for payment MCO Invoices #14349, #14378, and #14376 and to pay the invoices after April 1, 2010. Motion carried unanimously.

Accountant Voigt presented the Accountants Report for the month of February. MCO generated $2,711 in income to the Commission in February. After discussion; motion by Commissioner Raymond Zielinski, seconded by Commissioner Dale Youngquist to accept the Accountants Report for the month of February 2010. Motion carried unanimously.

Accountant Voigt presented for payment McMAHON invoices #50886 and #50887 in the amounts of $550.50 and $5,708.75. After discussion, motion by Commissioner Raymond Zielinski, seconded by Commissioner Gordon Falck to approve for payment invoices #50886 and #50887. Motion carried unanimously.

Operations, Engineering, Planning

Manager Much presented and discussed the operating report for the month of February 2010. The facility is operating well. Staff has begun a phosphorous removal study; current effluent limits are at 1.0 mg/l while proposed limits will change to 0.2 mg/l. In the first two weeks of the trial, we have been able to achieve results slightly below the proposed phosphorous limit. In past years, the effluent phosphorous during the late summer months is higher than current levels. It is not known if the proposed limit can be met during this higher phosphorous discharge period. Commissioner Dale Youngquist reported to the Commission he looked into the issue of higher suspended solids in the Town of Menasha that was discussed in the February meeting. Town staff had no explanation for the increase; they will begin sampling to try to locate the reason for the increase. After discussion, motion by Commissioner Raymond Zielinski, seconded by Commissioner Tim Hamblin to accept the operating report for the month of February 2010. Motion carried unanimously.

Manager Much presented and discussed the Agreement for Professional Services from McMahon to perform a GIS Assessment/Pilot Study for a fee of $3,500. This service would be a pilot study on the implementation of a GIS system for one piece of equipment or unit process at the NMSC. This pilot study would also be used to develop the model which would be used by the Commission and would also aid in the pricing and the developing of future layout plans. After discussion, motion made by Commissioner Tim Hamblin, seconded by Commissioner Kathy Bauer to approve the Agreement for Professional Services with McMahon to provide a GIS Assessment/Pilot Study at a fee not to exceed $3,500. Motion carried unanimously.

Tom Kispert from McMahon discussed with the Commission the Proposal Agreement for Professional Services for Wastewater Treatment Facilities Facility Planning. At the February meeting a preliminary outline for facility planning was presented to the Commission. McMahon has now formalized the preliminary outline and has presented it into a Proposal Agreement. Commissioner Tim Hamblin questioned the method to be used to present this to the contract users and to the public. It was also suggested a letter should be sent out today to the contract users explaining why the process is occurring and the timetable for the process. The letter to be sent out should be signed by the Commission President. The contract users will be needed to help provide information to complete the planning; letters will be sent out and required public hearings will be held. The schedule needed to complete the process consists of: completing the facility plan and submitting to the DNR for approval; completing the design phase and submitting to the DNR for approval; and then the construction phase. The goal is to wrap up the planning phase by September; the DNR requires 90-days to review. This would put the facility planning to be completed by the end of this year. After discussion, motion made by Commissioner Dale Youngquist, seconded by Commissioner Raymond Zielinski to approve and authorize the Commission President to execute the Proposal Agreement for Professional Engineering Services for Wastewater Treatment Facilities Facility Planning with McMahon at a time and expense fee not to exceed $98,000. Motion carried unanimously.

Manager Much reported to the Commission on the 230kW Biogas engine. The engine is running smooth; there is a problem with one heat exchanger. There will be a HVAC person coming to solve the problem.

McMahon Projects. Chad Olsen reported there is no new information to report on the plant evaluation and control system design; these items can be removed from the agenda now with the approval of the Facilities Planning Agreement.

Old Business

Interceptor ownership. Manager Much reported that he has no new information to report at this time.

Biosolids Management. Chad Olsen reported an individual is raising issues about the possibility of a storage building being built on landfill property. We are looking to be pro-active in this situation and sending a letter to this individual. After discussion, motion made by Commissioner Dale Youngquist, seconded by Commissioner Raymond Zielinski to approve sending a joint letter with the City of Oshkosh WWTP addressing the concerns of this individual. Motion carried unanimously. Chad also reported meeting with a hauler west of Neenah and we will be meeting with them again later this week. The Winnebago County solid waste board has expressed interest in what type of financial gain they could be seeing if the storage buildings would be located on the landfill site.

Town of Neenah S.D. #2. There is no new information to report.

Other Business to Legally Come Before the Commission

Commissioner Tim Hamblin questioned if anyone was aware of Senate Bill 442. Chad Olsen and Attorney John Thiel would look further into this Senate Bill.

Motion made by Commissioner Gordon Falck, seconded by Commissioner Raymond Zielinski to convene into closed session pursuant to Wis. Stats. 19.85(1)(g) to confer and review written and or oral legal advice by legal counsel to the Commission as to litigation strategy and status of matters concerning the lawsuit(s) commonly referred to as the Fox River litigation and pursuant to Wis. Stats 19.85(1)(e) to deliberate concerning negotiation strategy for the purchase of services, real estate or facilities for sludge disposal which may involve the purchasing of public property and competition exists among potential vendors and bargaining reasons require a closed session to best serve the public interest. Motion carried unanimously by Commissioners Raymond Zielinski, Dale Youngquist, William Helein, Kathy Bauer, Gordon Falck, William Zelinski, Tim Hamblin. Meeting entered into closed session at 9:27 am.

After discussions, motion made by Commissioner Dale Youngquist, seconded by Commissioner Kathy Bauer to adjourn the closed session and return in regular open session. Motion carried unanimously by Commissioners William Helein, Raymond Zielinski, Tim Hamblin, William Zelinski, Gordon Falck, Dale Youngquist, Kathy Bauer. The Commission returned to Regular open session at 10:06 am.

Motion made by Commissioner Dale Youngquist, seconded by Commissioner Kathy Bauer to authorize Davis & Kuelthau to release $450,710.62 from its trust account and return that amount

to the Commission and authorize Davis & Kuelthau to move $159,359.50 out of its trust account and apply the same to outstanding legal bills. Motion carried unanimously.

Motion made by Commissioner Dale Youngquist, seconded by Commissioner Kathy Bauer to authorize Davis & Kuelthau to take all necessary actions to collect from the insurance carriers as to its outstanding billings and authorize the Commission's legal counsel to assist Davis & Kuelthau as needed. Motion carried unanimously.

Vouchers

Commissioner Gordon Falck questioned who a couple of vendors were that were paid in February. After discussion, motion made by Commissioner Gordon Falck, seconded by Commissioner Dale Youngquist to approve operating and payroll fund vouchers #131502 through #131554 in the amount of $286,417.95 for the month of February. Motion carried unanimously.

Motion made by Commissioner Dale Youngquist, seconded by Commissioner Gordon Falck to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 10:11 a.m.

President

Secretary

THE NEXT REGULAR MEETING IS SCHEDULED FOR TUESDAY April 27th, 2010.