NEENAH-MENASHA SEWERAGE COMMISSION

Regular Meeting

Tuesday November 22, 2011

Meeting was called to order by Commission Vice-President Raymond Zielinski at 8:00 a.m.

Present: Commissioners Dale Youngquist, Tim Hamblin, Kathy Bauer, Raymond Zielinski, Mike Sambs, Jim Gunz; Manager Randall Much, Accountant Roger Voigt.

Excused: Commissioner Gordon Falck (arrived at approximately 8:30 am).

Also Present: Tom Kispert, Chad Olsen (McMAHON); Gary Mennen (Town of Greenville); Mike King (Post Crescent).

Commission Vice-President Raymond Zielinski welcomed Jim Gunz to the commission.

Commissioners discussed the minutes from the Regular Meeting and Closed Session of October 25, 2011; the minutes from the 2-Hour Notice Special Meeting on October 26, 2011; and the minutes from the Special Meeting and Closed Session on November 11, 2011. After discussion, motion made by Commissioner Dale Youngquist, seconded by Commissioner Kathy Bauer to approve the minutes of the Regular Meeting and Closed Session of October 25, 2011. Motion carried unanimously. Motion made by Commissioner Dale Youngquist, seconded by Commissioner Jim Gunz to approve the minutes of the 2-Hour Notice Special Meeting on October 26, 2011. Motion carried unanimously. Motion made by Commissioner Mike Sambs, seconded by Commissioner Jim Gunz to approve the minutes of the Special Meeting and Closed Session on November 11, 2011. Motion carried unanimously.

Correspondence

There was no correspondence to be discussed:

Budget, Finance, Personnel

Accountant Voigt presented the financial statements for the month of October 2011. Commissioner Dale Youngquist questioned the possible use of excess O&M funds. The Clean Water Fund and the principle forgiveness was questioned; we will probably lose the principle forgiveness that was available, but the project is not currently in jeopardy for receiving Clean Water Funds. After discussion, motion made by Commissioner Dale Youngquist, seconded by Commissioner Kathy Bauer to approve the Financial Statements for the month of October. Motion carried unanimously.

Accountant Voigt presented the Snow Plowing agreement for 2011-2012. Wording in Section Three was discussed. Accountant Voigt will contact the snow plow contractor to verify the correct wording in this section. Action on the Snow Plowing agreement was deferred to the December meeting.

Manager Much discussed the phone conversation he had with Attorney Tom Griggs concerning the billing received for the Commission financing. Attorney Griggs sent a report show time hours worked on the project. Commissioners discussed. Commissioner Jim Gunz questioned if they consulted with us on the higher fees; no one was able to confirm if they consulted with us prior to requesting the higher fee. Attorney Jim Gunz referenced the engagement letter indicating they would consult with us prior to any fee increases; he feels it is a matter of principle. Commissioner Raymond Zielinski questioned if we should get our attorney involved. After discussions, motion made by Commissioner Jim Gunz, seconded by Commissioner Dale Youngquist to pay $16,000 to bond counsel Godfrey & Kahn as the maximum amount as under the contract. Motion carried unanimously on a roll call vote. Commissioner Dale Youngquist offered to contact Attorney Tom Griggs; Commissioner Jim Gunz indicated Commission Attorney John Thiel would be a more appropriate person.

Accountant Voigt presented MCO Invoices #15979, #16026 and #16018 in the amounts of $117,132.41, $692.00 and $160.20. After discussion, motion made by Commissioner Dale Youngquist, seconded by Commissioner Jim Gunz to approve for payment MCO Invoices #15979, #16026 and #16018 and to pay the invoices after December 1, 2011. Motion carried unanimously.

Accountant Voigt presented the Accountants Report and Cash Flow Projection for the month of October. The interest rates have not changed; MCO generated $5,500 in income to the Commission in October. After discussion, motion made by Commissioner Dale Youngquist, seconded by Commissioner Tim Hamblin to accept the Accountants Report for October. Motion carried unanimously.

Accountant Voigt discussed his memo on quotes received to replace the current copy machine. Commissioner Jim Gunz questioned use of the machine by MCO. After discussion, motion made by Commissioner Dale Youngquist, seconded by Commissioner Jim Gunz to approve the purchase of the Toshiba e-Studio 3540c color copier from Ross Imaging LLC in the amount of $6,595.26. Motion carried unanimously.

Manager Much discussed the open records request from Gary Mennen; Gary Mennen was present and further explained his request. Commissioners discussed releasing minutes; Commissioner Jim Gunz indicated he is not in favor of releasing unapproved minutes. Accountant Voigt reported he has contacted the company handling our internet website requesting them to provide an easy method to have minutes and agendas put on the website. After discussion, motion made by Commissioner Dale Youngquist, seconded by Commissioner Jim Gunz to have Commission agenda's and approved minutes put on the NMSC website as soon as possible. Motion carried unanimously. Motion made by Commissioner Jim Gunz, seconded by Commissioner Dale Youngquist to forward the current request for records policy to Attorney John Thiel for review and updating. Motion carried unanimously.

Accountant Voigt presented for payment McMAHON invoices #47234 - $2,600.00; #47233 - $14,200.00; #47229 - $11,800.00; #47230 - $2,200.00; #47231 - $52.00; #47232 - $154.00; #47446 - $6,609.80; #47447 – $18,530.40; #47267 - $3,959.96; and #47276 - $702.75. After discussion, motion made by Commissioner Dale Youngquist seconded by Commissioner Jim

Gunz to approve for payment invoices #47234, #47233, #47229, #47230, #47231, #47232, #47446, #47447, #47267, and #47276. Motion carried unanimously.

Commissioner Gordon Falck entered the meeting (arrived at approximately 8:30 am).

Operations, Engineering, Planning

Manager Much presented and discussed the operating report for the month of October 2011. The plant is operating well; staff is working on installing the new chlorine system; they are waiting for a panel for the unit. After discussion, motion made by Commissioner Dale Youngquist, seconded by Commissioner Jim Gunz to accept the operating report for the month of October 2011. Motion carried unanimously.

Manager Much discussed the sewer extension request received for Manitowoc Road located in the Waverly Sanitary District. After discussion, motion made by Commissioner Jim Gunz, seconded by Commissioner Tim Hamblin to approve the sewer extension request for Manitowoc Road located in the Waverly Sanitary District. Motion carried unanimously.

Tom Kispert updated the Commission on the facilities upgrade project. The equipment contracts have been sent out. One unsuccessful bidder has made request for information; a copy of the comparative evaluation form will be sent. We need to make a determination of Class A or Class B biosolids and a building site. Commissioner Dale Youngquist questioned that if there is a decision not to go with a contract. Tom Kispert responded the notice of award is sent, but no notice to proceed has been issued yet. Chad Olsen reported Fred Hageman from the DNR will be here Wednesday to review the digestion process.

Tom Kispert discussed the Controls & SCADA. Work is proceeding on the final design; they are also working on process instrumentation and drawings. We are anticipating a late December or early January time period to receive shop drawings.

Tom Kispert discussed the GIS based work order system. Hardware components are being installed; software to be installed the week of December 5. The whole system is moving forward; hopefully it will be in place by the next meeting. Commissioner Tim Hamblin questioned if there are any controversies on the bidders. Tom Kispert responded everyone is complying with the requests; we have been following Commission Attorney John Thiel's directions.

Old Business

Biosolids. Chad Olsen reported that alternative sites are being looked at. A realtor provided approximately 60 potential sites; these will be put on an aerial map and checked to see if any could be possible sites. Chad also reported meeting with Synagro; they are looking for alternatives on their end. There were additional talks with landfill personnel on additional site availability; talks were also held with 2 package system providers. Chad also reported on additional information requested by Dave Tebo on biosolids for land application in the Town of Greenville. Commissioner Jim Gunz questioned the useful life of the landfill for our biosolids disposal; Chad reported he is not sure but thought they were looking to close the landfill in the next 1 to 1-1/2 years. There is the possibility of a cell being available.

New Business

Motion made by Commissioner Jim Gunz, seconded by Commissioner Dale Youngquist to move the December meeting of the Commission from Tuesday December 27 to Tuesday December 20. Motion carried unanimously. The next Regular Meeting of the Commission will be Tuesday December 20.

Motion made by Commissioner Dale Youngquist, seconded by Commissioner Jim Gunz to convene into closed session pursuant to Wis. Stats. § 19.85(1)(g) to confer and review 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 the results of an November 18, 2011 federal court ordered mediation session held in Milwaukee and discuss settlement options. By roll call vote taken, motion carried unanimously, by Commissioners Dale Youngquist, Kathy Bauer, Tim Hamblin, Mike Sambs, Gordon Falck, Jim Gunz.

Meeting convened into closed session at 9:01 am.

After discussions, motion made by Commissioner Jim Gunz, seconded by Commissioner Tim Hamblin to adjourn the closed session and return in regular open session. Motion carried unanimously by Commissioners Dale Youngquist, Kathy Bauer, Tim Hamblin, Mike Sambs, Gordon Falck, Jim Gunz. The Commission returned to Regular open session at 9:11 am.

Vouchers

Motion made by Commissioner Dale Youngquist, seconded by Commissioner Jim Gunz to approve operating and payroll fund vouchers #132640 through #132685 in the amount of $312,297.14 for the month of October 2011; and Construction Fund Vouchers #1, #2, #101, #102, and #103 for the month of October in the amount of $78,573.01. Motion carried unanimously.

Motion made by Commissioner Jim Gunz, seconded by Commissioner Kathy Bauer to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 9:13 a.m.

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Vice-President Secretary

THE NEXT REGULAR MEETING IS SCHEDULED FOR TUESDAY December 20th, 2011.