

NEENAH-MENASHA SEWERAGE COMMISSION

Special Meeting

Wednesday October 5, 2011

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

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

Also Present: Jeff Kellner, Chad Olsen (McMAHON); Paul Much (MCO); Colleen Miller, Pamela Wascher (Town Greenville residents); Mike King (Post Crescent).

Correspondence

The following correspondence was discussed:

- A. September 12, 2011 letter from Wisconsin DNR to William Zelinski, NMSC President.
RE: Acknowledgement of Receipt – Biosolids Storage Building Plans & Specs.

Budget, Finance, Personnel

The Commission discussed the request from Godfrey & Kahn S.C. for a fee adjustment relating to the preparation of the \$4,500,000 Sewerage Commission Revenue Bond Anticipation Notes. After discussion, motion by Commissioner Raymond Zielinski, seconded by Commissioner Tim Hamblin to defer this matter to the next Regular Meeting of the Commission. Motion carried unanimously.

Commissioner Dale Youngquist updated the Commissioners on informational meetings held with the Town of Greenville on September 29 and October 4. Concerns expressed were safety, smell, class "B" product. The DNR representative in attendance, Gerry Novotny, indicated the public comment period would be extended beyond the October 5 deadline. Comments made toward the Town of Greenville representatives questioned how this made it this far in the process without Town of Greenville residents being informed. Odor issues were discussed; Manager Much indicated the Commission would be sensitive to the concerns and would work to eliminate odors if they occur. The Commission questioned Chad Olsen on how many billable hours it would take to make a determination of what it would take to convert the class "B" biosolids of the Commission to class "A". Chad felt it would take 40 – 80 hours to complete this task. Motion made by Commissioner Dale Youngquist, seconded by Commissioner Kathy Bauer to authorize Chad Olsen to proceed with the task of determining what it would take to have the current class "B" biosolids treated to become a class "A" biosolids. Motion carried unanimously.

Operations, Engineering, Planning

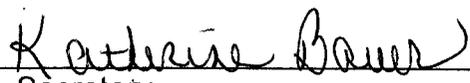
Chad Olsen discussed the bid opening on September 30th. The low bid was from Cardinal Construction from Fond du Lac. They did not see any irregularities. Alternate bids 3 and 4 were discussed. Commissioner Dale Youngquist questioned if all bids were bidding with the same

quality concrete. Chad reported yes; Cardinal Construction is a second generation company. Jeff Kellner reported he did the review of Cardinal Construction as best as he could perform as well as reviewing the Cardinal Construction bid with the company to make sure they did not miss any points in the bid. Jeff also reported he looked at all the subcontractors. All the subcontractors are good quality firms; there is nothing they found that would indicate this is not a good company. Chad recommends the Commission should include the option for installing the vapor barrier in the roof. Commissioner Dale Youngquist indicated the landscaping should also be included in the approval. The Commission discussed how to proceed in awarding the contract; should it be conditionally awarded or should they wait to award the contract. The Commission further discussed not receiving final approval from the DNR or receiving the storm water site approval from the Town of Greenville. After discussion, it was the consensus of the Commissioners to wait on awarding the contract until after the Town of Greenville and DNR approvals are received.

Motion made by Commissioner Raymond Zielinski, seconded by Commissioner Gordon Falck to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:39 a.m.



President



Secretary

NEENAH-MENASHA SEWERAGE COMMISSION

Special Meeting

Monday October 10, 2011

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

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

Also Present: Tom Kispert, Chad Olsen (McMAHON); Paul Much (MCO).

Correspondence

The following correspondence was discussed:

- A. October 6, 2011 email from Dave Tebo, Town of Greenville to Chad Olsen, McMahan.
RE: Town of Greenville request for information.

Commissioners discussed the email and attachment. Commissioner Raymond Zielinski questioned what is the bottom line for time for site plan approval? Attorney John Thiel responded this will be discussed in Closed Session. Attorney John Thiel informed the Commission he feels the Town of Greenville processing of the storm water site plan is being done in an illegal manner; the request for information is not per Commission guidelines in that it was sent via email and the request was made to the engineer and the Attorney; questions being asked have nothing to do with the site plan approval process. One of the questions would like testing of wells to be performed; Attorney John Thiel indicated we have no legal authority to perform this testing. Commissioner Dale Youngquist suggested the Commission should respond with a letter informing them where we stand, we've cooperated with them, and where is our site plan approval. Attorney John Thiel indicated this will be discussed in more detail in the Closed Session. Commissioner Tim Hamblin questioned how long should it take the Town of Greenville to issue the site plan approval? This will be discussed further in Closed Session. Attorney John Thiel discussed his opinion of having heard at the Town of Greenville informational meetings regarding that the site plan approval process would be on hold until another informational meeting is held in the Town and the questions are answered. Commissioner Dale Youngquist indicated we should send a request to Greenville to approve the site plan, they are taking too much time, and we should contact Novotny at the DNR on their approval. Attorney John Thiel questioned what direction should we take on the letter? Commissioner Dale Youngquist indicated we need to be tactful without being confrontational and to also point out we are looking reasonable alternatives to go to a class "A" biosolids. Manager Much indicated we need to go into Closed Session and further discuss the issues.

Motion made by Commissioner Raymond Zielinski, seconded by Commissioner Tim Hamblin 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 the results of an October 4, 2011 federal court ordered mediation session in Milwaukee. Also, pursuant to

Wis. Stats. § 19.85(1)(e), convene in closed session to discuss the status of the financing the Sewer Plant Project as it relates to the Contracted Industrial User as it affects the financing of the Sewer Plant Project and this involves the investment and spending of public funds and competitive and bargaining reasons require a closed session to discuss such strategy to vendors to best serve the public interest. Also, pursuant to 19.85(1)(e) to discuss the status of the Steinacker Farms, Inc. contracts which involves the investment and spending of public funds and competitive and bargaining reasons that have arisen due to the actions of the Town of Greenville and require a closed session. Also, pursuant to Wis. Stats. § 19.85(1)(g), to discuss litigation strategy with the Commission's attorney in the event the Town of Greenville does not approve the site plan in a timely manner or if a suit is brought concerning a building in the Town of Greenville. Motion carried unanimously by Commissioners Raymond Zielinski, Dale Youngquist, Kathy Bauer, Tim Hamblin, Mike Sambs, Gordon Falck. Meeting convened into closed session at 8:23 a.m.

After discussions, motion made by Commissioner Dale Youngquist, seconded by Commissioner Raymond Zielinski to adjourn the closed session and return in special open session. Motion carried unanimously by Commissioners Raymond Zielinski, Dale Youngquist, Kathy Bauer, Tim Hamblin, Mike Sambs, Gordon Falck. Meeting returned into special open session at 10:22 a.m.

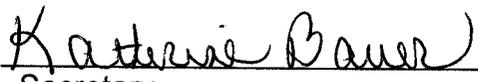
Other Business

The status of the Biosolids Hauling Agreement to the landfill with Steinacker Farms to begin on November 1, 2011 was reported to the Commission. It was reported we are waiting for a hauling price from Steinacker Farms and then the agreement is ready for signature.

Motion made by Commissioner Raymond Zielinski, seconded by Commissioner Gordon Falck to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 10:25 a.m.



President



Secretary