

**CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday, March 19, 2012**

**6:00 PM
AGENDA**

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL/EXCUSED ABSENCES
- D. PUBLIC HEARING
- E. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THE CITY
(five (5) minute time limit for each person)
- F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS
1. Menasha Utilities – Overbilling to NM Sewerage Commission
 2. Clerk Galeazzi – Update on Photo ID Law
 3. Clerk Galeazzi - the following minutes and communications have been received and placed on file:
Minutes to receive:
 - a. [Administration Committee, 3/5/12](#)
 - b. [Board of Public Works, 3/5/12](#)
 - c. [Parks & Recreation Board, 2/14/12](#)
 - d. [Personnel Committee, 3/5/12](#)
 - e. [Police Commission, 2/21/12](#)
 - f. [Redevelopment Authority, 2/29/12](#)Communications:
 - g. [Customers First! The Wire newsletter, March 2012](#)
 - h. [Dan Rippl, Menasha Rotary to Park & Rec. Director Tungate, 3/14/12; Menasha Rotary donations](#)
- G. CONSENT AGENDA
(Prior to voting on the Consent Agenda, items on the Consent Agenda may be removed at the request of any Alderman and place immediately following action on the Consent Agenda. The procedures to follow for the Consent Agenda are: (a) removal of items from Consent Agenda; and (b) motion to approve the items from Consent Agenda.)
Minutes to approve:
1. [Common Council, 3/5/12](#)
- Administration Committee, 3/5/12; recommends approve of:
2. [Special Event Policy](#)
- Board of Public Works, 3/5/12; recommends approval of:
3. [Street Use Application – Memorial Day Parade; Monday, May 28, 2012; 8 AM – 10:30 AM \(American Legion Post 152\)](#)
 4. [Payment – Terra Engineering & Construction Corporation; City of Menasha Wastewater Collection System Rehabilitation Improvements, Phase 4 Project; Sanitary Sewer Rehabilitation; Contract E145-11-01A; \\$41,857.26 \(Payment No. 2\)](#)
 5. [Recommendation to Award – Menasha Utilities Water Main Replacement; Contract M0002-910578.08; Donald Hietpas & Sons; \\$829,133.35](#)
- H. ITEMS REMOVED FROM CONSENT AGENDA
- I. ACTION ITEMS
1. [Accounts payable and payroll for the term of 3/8/12 to 3/15/12 in the amount of \\$561,699.70](#)

J. ORDINANCES AND RESOLUTIONS

1. [Substitute amendment to O-3-12 - An Ordinance Amending Section 11-1-1 of the Municipal Code – Offenses Against State Laws Subject to Forfeiture \(Trespassing\) \(Introduced by Ald. Taylor\) \(Recommended by Administration Committee \)\(1st introduction\)](#)
2. [R-5-12 Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers Under Section 66.0703, Wisconsin Statutes – Woodland Hills Subdivision/Kelly Lake Drive\(Recommended by Board of Public Works\)\(Introduced by Ald. Taylor\)](#)
3. [R-8-12 – Resolution Authorizing a representative of the city of Menasha to file applications for financial assistance from the state of Wisconsin Environmental Improvement Fund \(Introduced by Mayor Merkes\)](#)

K. APPOINTMENTS

L. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA
(five (5) minute time limit for each person)

M. RECESS TO ADMINISTRATION COMMITTEE, BOARD OF PUBLIC WORKS AND PERSONNEL COMM

N. CLAIMS AGAINST THE CITY

1. [Notice of injury and circumstances of claim - Town of Harrison, Celine Romenesko, Rick Kindschi](#)
2. Update on PCB Litigation

O. 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 advise concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. (PCB Litigation and Notice of Circumstance of Town of Harrison, Romenesko and Kindschi)

P. ADJOURN

MEETING NOTICE

Monday, April 2, 2012 – Regular Common Council Meeting – Council Chambers

Common Council – 6:00 p.m.
Administration Committee – 6:30 p.m.
Board of Public Works – 7:00 p.m.

April 3, 2012 – Spring Election and President Presidential

CITY OF MENASHA
ADMINISTRATION COMMITTEE
Third Floor Council Chambers
140 Main Street, Menasha
March 5, 2012
MINUTES

DRAFT

A. CALL TO ORDER

Meeting called to order by Chairman Klein at 7:14 p.m.

B. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Langdon, Krueger, Zelinski, Englebert, Benner, Klein, Taylor, Sevenich

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Styka, FC Auxier, DPW Radtke, CDD Keil, C/T Stoffel, PHD Nett, PRD Tungate, LD Lenz, PP Homan, Clerk Galeazzi and the Press.

C. MINUTES TO APPROVE

1. Administration Committee, 2/20/12

Moved by Ald. Krueger, seconded by Ald. Englebert to approve minutes.

Motion carried on voice vote.

D. COMMUNICATIONS

1. 2012 Insurance Summary

CA/HRD Captain explained the insurance policies covering the City.

E. ACTION/DISCUSSION ITEMS

1. Appeal of Denial of Operator's License – Brenda Heinritz

Brenda Heinritz explained the circumstances in her convictions for the reason her application for an operator's license was denied. She stated she has straighten out her life. She is receiving a promotion to supervisor at CVS Pharmacy that requires her to hold an operator's license.

PC Styka explained the guidelines followed when denying Ms. Heinritz application for an operator's license. A conviction in 2008 was the reason for the denial. Ms. Heinritz had no incidents or convictions since 2008. PC Styka did state that Ms. Heinritz was applying for an operator's license for her job in retail, not at a tavern.

CA/HRD Captain explained how the offense is related to the circumstances of the job or licensed activity.

Discussion ensued on comparing being license for selling alcohol in a store or serving in a tavern.

Moved by Ald. Zelinski, seconded by Ald. Langdon to reverse the denial of an operator's license for Brenda Heinritz.

Motion carried on roll call 5-3.

Ald. Klein, Taylor, Langdon, Krueger, Zelinski – yes

Ald. Sevenich, Englebert, Benner – no

2. O-3-12 An Ordinance Amending Section 11-1-1 of the Municipal Code – Offenses Against State Laws Subject to Forfeiture (Trespassing)
(Introduced by Ald. Taylor)

Moved by Ald. Taylor, seconded by Ald. Sevenich to recommend to Common Council O-3-12.

Moved by Ald. Taylor, seconded by Ald. Sevenich to include State Statute 943.13 Trespass to Land.

PC Styka explained the City Code needs to be updated to follow State Statute to enforce concealed carry changes.

Motion on amendment carried on roll call 8-0.

Motion as amended carried on roll call 8-0.

3. Guidelines for Licensed Mobile Restaurants (Ald. Klein)

No action.

4. Special Event Policy (Ald. Krueger)

General discussion ensued on the proposed changes to the Special Event Policy.

Moved by Ald. Benner, seconded by Ald. Englebert to leave in the policy that Non-profit Organizations as Event Holders may receive up to a 50% discount on the total Special Event bill.

General discussion on non-profit and for-profit groups.

Motion failed on roll call 3-5.

Ald. Sevenich, Englebert, Benner – yes

Ald. Klein, Taylor, Langdon, Krueger, Zelinski – no

Moved by Ald. Klein, seconded by Ald. Krueger to remove last four lines of paragraph seven under Fees “Other possible incurred charges for events that may need to be paid in addition to the Special Events application fee includes food sales permits, tent permit fees, firework fees, the designated flat fee approved by the Common Council for use of requested part and facility locations, etc.

General discussion on who sets park fees for special events.

Motion carried on roll call 8-0.

Moved by Ald. Krueger, seconded by Ald. Langdon to recommend to Common Council Special Event Policy as amended.

Motion carried on roll call 5-3.

Ald. Klein, Taylor, Langdon, Krueger, Zelinski – yes

Ald. Sevenich, Englebert, Benner – no

5. O-2-12 An Ordinance Amending Section 12-1-5 of the Municipal Code (Park Regulations) (Introduced by Ald. Krueger) (Held 2/20/12)

No action.

F. ADJOURNMENT

Moved by Ald. Zelinski, seconded by Ald. Benner to adjourn at 7:55 p.m.

Motion carried on voice vote.

Respectfully submitted by Deborah A. Galeazzi, WCMC, City Clerk

CITY OF MENASHA
Board of Public Works
Third Floor Council Chambers
140 Main Street, Menasha
March 5, 2012
MINUTES

DRAFT

A. CALL TO ORDER

Meeting called to order by Chairman Taylor at 8:00 p.m.

B. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Langdon, Krueger, Zelinski, Englebert, Benner, Klein, Taylor, Sevenich,

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Styka, FC Auxier, DPW Radtke, CDD Keil, C/T Stoffel, PRD Tungate PHD Nett, PP Homan, MUGM Sturm, Clerk Galeazzi and the Press.

C. MINUTES TO APPROVE

1. February 20, 2012

Moved by Ald. Krueger, seconded by Ald. Langdon to approve minutes.

Motion carried on voice vote

D. ACTION ITEMS

1. Street Use Application – Memorial Day Parade: Monday, May 28, 2012;
8 AM – 10:30 AM (American Legion Post 152)

Moved by Ald. Krueger, seconded by Ald. Zelinski to recommend to Common Council Street Use Application-Memorial Day Parade.

Motion carried on voice vote.

2. Payment – Terra Engineering & Construction Corporation; City of Menasha
Wastewater Collection System Rehabilitation Improvements, Phase 4 Project;
Sanitary Sewer Rehabilitation; Contract E145-11-01A; \$41,857.26 (Payment No. 2)

DPW Radtke stated the project is complete except for correcting some noted defects; therefore staff recommends approving the payment.

Moved by Ald. Krueger, seconded by Ald. Englebert to recommend to Common Council Payment to Terra Engineering & Construction Corporation.

Motion carried on voice vote.

3. Recommendation to Award – Menasha Utilities Water Main Replacement; Contract
M0002-910578.08; Donald Hietpas & Sons; \$829,133.35

Scott Mauer, Menasha Utilities-Water Distribution, explained the scope of the project and which streets would have the water main replacement work.

Moved by Ald. Zelinski, seconded by Ald. Krueger to recommend to Common Council Recommendation to Award, Menasha Utilities Water Main Replacement Contract M0002-910578.08 to Donald Hietpas & Sons in the amount of \$829,133.35

Motion carried on voice vote.

4. Preliminary Resolution R-5-12 Declaring Intent to Exercise Special Assessment Powers Under Section 66.0703, Wisconsin Statutes – Woodland Hills Subdivision/Kelly Lake Drive

DPW Radtke explained this is the first step in the special assessment for street improvements. He explained which area and what type of work would be done. Concrete sidewalk along Kernan Avenue and Gosling Way is included in this proposed assessment, despite the fact sidewalks were deleted from street work done in this area last year.

Moved by Ald. Sevenich, seconded by Ald. Benner to amend R-5-12 to remove the concrete walk along Kernan Avenue and Gosling Way from the improvements.
Motion carried on roll call 8-0.

Moved by Ald. Krueger, seconded by Ald. Zelinski to recommend to Common Council R-5-12 as amended
Motion carried on voice vote.

5. Update on Midway Road Sidewalk Project (Ald. Sevenich)

DPW Radtke reported the Town of Menasha is still interested in the joint project of installing sidewalks along Midway Road. The City will provide the Town with an estimate cost of engineering design services for the Town's portion of the project. Both municipalities are moving forward with preparing the necessary agreements for the project to be completed in 2012.

E. ADJOURNMENT

Moved by Ald. Krueger, seconded by Ald. Langdon to adjourn at 8:15 p.m.
Motion carried on voice vote.

Respectfully submitted by Deborah A. Galeazzi, WCMC, City Clerk

CITY OF MENASHA
Parks and Recreation Board
Council Chambers, City Hall – 140 Main Street
February 14, 2012
DRAFT MINUTES

A. CALL TO ORDER

The meeting was called to order by Vice Chr. R. Suttner at 6:01 p.m.

B. ROLL CALL/EXCUSED ABSENCES

MEMBERS PRESENT: Ald. Mark Langdon, Sue Pawlowski, Ron Suttner, Luke Schiller, Lisa Hopwood and Nancy Barker

MEMBERS EXCUSED: Chr. Dick Sturm

OTHERS PRESENT: PRD Tungate, PS Maas, Jeremy Maass, Student from FVTC

C. MINTUES TO APPROVE

1. **Minutes of the February 14, 2012 Plan Commission Meeting**

Moved L. Hopwood, seconded by N. Barker to approve the minutes of the February 14, 2012 Park Board meeting. Motion carried 6-0.

D. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA

Five (5) minute time limit for each person.

1. No one spoke.

E. REPORT OF DEPARTMENT HEADS/STAFF/YOUTH LIAISON OR CONSULTANTS

1. **Director's Report**

PRD Tungate reported that a lot of time has been spent on the hiring process for the upcoming summer. The hiring of a seasonal park laborer has added time to this process. Work is also being done on the City's 5-Year Open Space and Recreation Facilities Plan. The hope is to have a revised draft for the Board to review in the next month or so. He also reported that the Common Council recently voted to remove the \$5 electric receptacle charge earlier recommended by the Board.

2. **Park Project and Vandalism Report**

PS Maas reported that several new park identification signs were built by park staff, some areas are being prepped for some pool tile replacement, downtown fountains will have timers installed, Kolso concession stand had some interior remodeling done, fascia on the Jefferson Park pavilion is being replaced. PS Maas will be at the WPRA Spring Workshop to demonstrate how to use poured in place rubberized playground surfacing to other communities.

3. **Update on Neenah/Menasha Park Corps and Friends of the Menasha Pool**

PRD Tungate reported on the Neenah/Menasha Park Corps and the Friends of the Menasha Pool. The Park Corps is meeting on March 13. Website updates are being done. The group plans to be in the Memorial Day parade and some brochures will also be printed. The group is also very close to "going live". The pool friends group is also meeting on March 13. They are working on three main initiatives. They include: participation in this year's Duck Drop, starting a small triathlon in early June as fundraiser and planning a ten music event at the pool, probably sometime in August.

F. DISCUSSION

1. **Letter from Mike Jones, U.S. Department of Agriculture, regarding James Island Cormorant Population Control**

PS Maas described plans that the US Dept. of Agriculture- Wildlife Services Division has for reducing the cormorant population on James Island. The USDA has secured a grant for this population reduction action, which is set for sometime this spring. No City labor or other resources are required. Cormorants are a nuisance bird that have started to devastate the tree population on the island.

2. **April Meeting Topics**

PRD Tungate stated that work is being done on creating city-wide donation policy as well as some language that would pertain specifically to park and recreation donations. This topic may be on next month's agenda. Rules must also be adopted by the Board pertaining to sponsorships. A status report on the new neighborhood park and the Gilbert site were also requested.

G. ACTION ITEMS

1. **Recommendation to Proceed with Small Greenspace Expansion Inside the Marina**

Motion by N. Barker, seconded by L. Hopwood to proceed with moving a section of fence at the Marina to create a small greenspace within the Marina in the southeast corner. Work will not commence until staff has contacted the nearby apartment building manager and/or tenants to discuss the project with them. There is a concern that sounds from this new area could impact renters, however, rules for use of the area by slip renters should alleviate any concerns. Motion carried 6-0

H. PUBLIC COMMENT ON ANY MATTER LISTED ON THE AGENDA

Five (5) minute time limit for each person

1. No one spoke.

I. ADJOURNMENT

Moved by N. Barker, seconded by L. Hopwood to adjourn at 7:21 p.m. Motion carried 6-0.

CITY OF MENASHA
PERSONNEL COMMITTEE
Third Floor Council Chambers
140 Main Street, Menasha
March 5, 2012
MINUTES

A. CALL TO ORDER

Meeting called to order by Chairman Englebert at 8:16 p.m.

B. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Langdon, Krueger, Zelinski, Englebert, Benner, Klein, Taylor, Sevenich, Mayor Merkers

ALSO PRESENT: CA/HRD Captain, PC Styka, FC Auxier, CDD Keil, C/T Stoffel, PHD Nett, PP Homan, Clerk Galeazzi and the Press.

C. MINUTES TO APPROVE

1. Personnel Committee, 12/5/11

2. Special Personnel Committee, 12/7/11

Moved by Ald. Krueger, seconded by Ald. Zelinski to approve minutes.

Motion carried on voice vote.

D. ACTION ITEMS

1. Employee Safety Manual (Revised)

PHD Nett reviewed the Employee Safety Manual and explained the changes.

General discussion ensued on the policy and changes.

Chairman Englebert suggested this item remain on the agenda for further discussion at the next meeting.

2. Personnel Policy Handbook (Revised)

CA/HRD Captain explained that staff and the Mayor have been working on updating the City's Personnel Policy Handbook last reviewed in 2000. The policies will be presented to the Committee in parts with the first parts for review containing the most substantive policies that the City is required to have either by law or by grant or other governmental funding.

General discussion ensued on the policy and changes.

Chairman Englebert suggested this item remain on the agenda to give members more time to review and discussion at the next meeting.

E. ADJOURNMENT

Moved by Ald. Krueger, seconded by Ald. Benner to adjourn at 8:50 p.m.

Motion carried on voice vote.

Respectfully submitted by Deborah A. Galeazzi, WCMC, City Clerk



Vice President Tony Gutierrez called the meeting to order Tuesday, February 21st 2012 at 4:30PM, Menasha Safety Building, 430 First Street, Menasha, Wisconsin City Council chambers.

Commission members present:, Tony Gutierrez, Jason Dionne, Terri Reuss, Chief Styka Marshall Spencer,
Excused absence: Ron Duuck

1. Jason Dionne made a motion to go into closed session. Terri Reuss seconded and the motion was unanimously carried.
 - CLOSED SESSION Wisconsin statutes sec 19.85 (1)(c) Considering the employment, promotion, compensation or evaluating the performance of any employee under the commission's jurisdiction.
 - Police Chief position (consideration of candidates)

2. 7:45 PM Return to open session

3. Meeting minutes
 - Jason Dionne moved to accept the January 18, 2012 minutes. Tony Gutierrez seconded the motion. The motion was unanimously supported.

4. Adjourn: Motion by Tony Gutierrez seconded by Terri Reuss, at 8:10pm. The motion was unanimously supported.
 - The next bi monthly meeting will be held Thursday, March 15 2012 4:30pm Menasha Safety Building, 430 First Street, Menasha, Wisconsin.

Menasha alderpersons occasionally attend meetings of this body. It is possible that a quorum of Common Council, Board of Public Works, Administration Committee, Personnel Committee, may be attending; however no official Action of any of these bodies will be taken.

Menasha is committed to its diverse population. Our non- English speaking population or those with disabilities are invited to contact the acting Chief of Police at 967-3500 at least 24-hours in advance to ensure special accommodations can be made.

Respectfully submitted,
Marshall Spencer,
Commissioner, Secretary

CITY OF MENASHA
Redevelopment Authority
Council Chambers, 3rd Floor, City Hall – 140 Main Street
February 29, 2012
DRAFT MINUTES

A. CALL TO ORDER

The meeting was called to order at 5:00 p.m. by Chairman Kim Vanderhyden.

B. ROLL CALL/EXCUSED ABSENCES

REDEVELOPMENT AUTHORITY MEMBERS PRESENT: Bob Stevens, Kim Vanderhyden, Ald. Jim Englebert, Gail Popp and Kip Golden

REDEVELOPMENT AUTHORITY MEMBERS EXCUSED: Linda Kennedy and Susan Schrage

OTHERS PRESENT: CDD Keil, PP Homan, Ald. Klein, Dave Wuestenberg, Ald. Chris Klein, Brad DePasse, Elizabeth Ringgold, Amy Rockwell, Patrick Conner, Karen Schlieve, Lisa Cruz, Jim Weidert and Tom Werth

C. MINUTES TO APPROVE

1. **Minutes of the January 25, 2012 Redevelopment Authority Meeting**

Motion by Ald. Jim Englebert, seconded by Bob Stevens to approve the January 25, 2012 Redevelopment Authority meeting minutes.

The motion carried.

D. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA

(five (5) minute time limit for each person)

No one spoke

E. COMMUNICATION

1. None

F. DISCUSSION

1. **Presentation of Real Estate & Marketing Proposals for Lake Park Area:**

a. **Ark Media Group (5:05 PM)**

Commissioners Discussed:

- Meetings with real estate brokers and other stakeholders.
- Past experience working on real estate projects.
- Process for brand development.
- Content of deliverables.
- Approach to sale of vacant land.
- Proposed budget

b. **Red Shoes PR (5:30 PM)**

Commissioners Discussed:

- Firm's status with regard to exclusive marketing for existing clients.
- Need for and amount of ongoing marketing budget.
- Potential content of promotional video.
- Newspaper as a marketing media.

- Timetable for developing a brand and marketing strategy.

c. **Atomic Tribe (5:55 PM)**

Commissioners discussed:

- Proposal to engage other vendors (such as builders & landscapers) to help support marketing costs.
- The cost for updating/maintaining a web presence.
- The social aspect of social media as opposed to a sales approach.
- Website maintenance.
- The proposed process for and timetable establishing a brand and marketing strategy.

d. **Blue Door consulting (6:20 PM)**

This firm elected not to make a presentation as they felt they didn't have the capacity to complete the work within the proposed timeline.

2. **Discussion of RDA Financial Resources**

CDD Greg Keil reported that the only source of revenue available to the RDA at this time was lot sales. The payments received from developers to this point for land transactions were about \$135,000. Offsetting expenses were mainly commission paid to brokers, and smaller amounts for preparing certified survey maps and other soft costs related to the land transactions. The balance of funds available to the RDA is about \$38,000. The RDA's obligation to the city for repayment on the mortgage on the land transfer is about \$330,000. Although some TIF increment will be generated this year, those funds won't be available until 2013.

Commissioners discussed the need for effective marketing and balancing that against the limited amount of funds available and the RDA's obligation to the city for mortgage payments.

3. **Discussion of Future Progress Reporting for RDA**

PP Kara Homan reviewed the practices of other communities with respect to reporting on RDA activities on the suggested quarterly reporting to the RDA and Common Council regarding the status of marketing efforts, fund balances and other substantive matters. It was the consensus of commissioners that quarterly reporting to the RDA by staff and by Menasha RDA to the Common Council would be appropriate.

F. ACTION ITEMS

1. **Selection of Preferred Marketing Proposal for Lake Park Development**

Chairman Vanderhyden asked each RDA member and advisor Dave Wuestenberg to offer comments on the presentations that were made by the respective firms.

Following discussion and in consideration of the comments by RDA members, Ald. Jim Engelbert made and Gail Popp seconded a motion to select Ark Media Group to prepare a brand and marketing strategy for the Lake Park Villas area at a cost not to exceed \$22,000, and authorize Chairman Vanderhyden to enter into an agreement on behalf of the RDA for that purpose. The motion carried.

2. **Lake Park Villas Listing Agreement for Coldwell Banker, the Real Estate Group**

PP Homan reported that staff had met with the brokers to review the original listing agreements. Several changes were made to the agreement with Coldwell Banker/the Real Estate Group as a result of these discussions including:

- Elimination of the additional \$50.00 per lot brokerage fee.
- Elimination of the Seller Disclosure Report
- Changing references from the "City of Menasha" to the "Menasha Redevelopment Authority" in the Additional Provisions line of the agreement.
- An increase to the co-brokerage commission.

Motion by Ald. Jim Engelbert, seconded by Bob Stevens to approve the listing agreement with

Coldwell Banker/the Real Estate Group with the addition of bi-monthly reporting to the RDA on sales and marketing efforts, subject to review and approval of the agreement by the City Attorney.

The motion carried.

3. **Lake Park Square Listing Agreement for Grub & Ellis | Pfefferle**

PP Homan reviewed the changes that were made to the original Grubb-Ellis/Pfefferle agreement as follows:

- Changing the reference to covenants and zoning codes on Line 22 of the agreement to "Municipal Code".
- Adding a list of approved business types as an addendum.
- Bi-monthly reporting to the RDA on sales and marketing efforts.

Patrick Connor from Grubb&Ellis/Pfefferle commented that there would need to be an understanding between the broker and the RDA with respect to the amount of commission owed in the event of a sale with a discounted purchase price.

Motion by Gail Popp, seconded by Ald. Jim Engelbert to approve the listing agreement with Grubb&Ellis/Pfefferle subject to review and approval by the City Attorney.

The motion carried.

ADJOURNMENT

Motion by Gail Popp, seconded by Kip Golden to adjourn at 7:55 p.m.

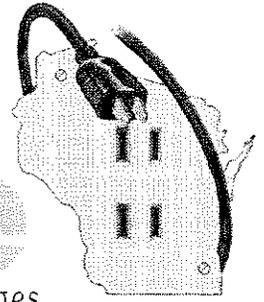
The motion carried.

Minutes respectfully submitted by Greg Keil, Community Development Director.

A Coalition
to preserve
Wisconsin's
Reliable and
Affordable
Electricity

Customers First!

the Wire



Plugging you in to electric industry changes

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Elections spell hesitation in Congress

Where energy issues and probably most other issues are concerned, 2012 can be expected to look a lot like 2011 in Congress, according to national energy and government relations specialist Deborah Sliz.

President and CEO of Morgan Meguire, a Washington, D.C., lobbying, public affairs, and strategic communications firm, Sliz came to Madison in February for a return visit to the *Customers First!* Coalition annual POWER Breakfast. With an election in the offing, Sliz said, this year in Congress will be dominated by



Deborah Sliz

intense partisanship and legislation designed to send messages rather than pass into law.

Her remarks came before a crowd of about 140, representing investor-owned, municipal and cooperative utilities, state and local government, labor and environmental organizations, and the lobbying community—essentially the constituencies that make up *Customers First!*

One concern that's unified all segments of the electric power industry is cybersecurity legislation being advanced by Senate Majority Leader Harry Reid (D-NV). Sliz said the bill would give the Department of Homeland Security jurisdiction over cybersecurity standards for all critical sectors. The power industry objects because it's been subject for seven years to standards enforced by agencies that understand its operations and has little confidence in a process for obtaining waivers from Homeland Security jurisdiction, Sliz said.

The existing power industry standards grew out of the federal response to the multi-state blackout in August 2003 triggered by an Ohio utility's deficient tree-pruning practices. "You will never be able to protect against all cyber attacks," Sliz said, adding that the priority must be a resilient system that can recover quickly.

A nationwide "clean energy standard"—in lieu of a mandated renewable percentage—will be proposed again this year by Sen. Jeff Bingaman (D-NM). Sliz said Bingaman, who chairs the relevant Senate committee, would hold a hearing on the bill but it isn't expected to pass.

More meaningful action on renewables, Sliz said, will take place in the tax committees where the fate of the production tax credit for wind power, set to expire at year's end, will be decided. Winning approval of a two-year extension of the credit, she said, "won't be easy."

Wind rules appear imminent

When the gavel falls to end regular business for the 2011–12 Legislature, wind energy siting rules sidetracked early last year will take effect automatically. That's if lawmakers don't act on legislation preventing it, and it doesn't look as if they will.

The last scheduled day for regular legislative business is Thursday, March 15. But the session schedule designates just six days, March 6–8, and March 13–15, for possible floor debate. And even before the end of February, legislative leaders said they anticipated as few as two days of floor action before calling it quits.

With other, more contentious issues such as revisions to Wisconsin's iron-mining law still on the table, the prospects of using that time to revisit a matter lawmakers previously thought settled would appear dim. At the 2011 *Customers First!* POWER Breakfast, Assembly Energy and Utilities Chairman Mark Honadel (R–South Milwaukee) said of the then-freshly suspended rule package, "I thought we had a really good product last session. I thought we were done."

Nevertheless, legislation described by its sponsor as a compromise between the suspended siting rules and locally ordained wind-farm restrictions was introduced near the end of February.

State Senator Frank Lasee (R–De Pere) said the bill would require an 1,800-foot setback between large wind energy systems and the nearest property line unless adjacent property owners agree in writing to a shorter distance.

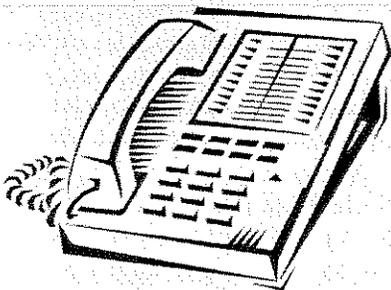
The bill redefines large wind-energy systems as any having a total rated capacity of 300 kilowatts or more and consisting of individual turbines with a capacity of 100 kilowatts or more. It would require a periodic review of research regarding health and property value effects of wind energy, conducted at five-year intervals.

Similar legislation was proposed but languished without action in a special session early last year.



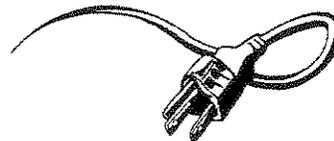
THE WIRE is a monthly publication of the Customers First! Coalition—a broad-based alliance of local governments, small businesses and farmers, environmental groups, labor and consumer groups, retirees and low-income families, municipal electric utilities, rural electric cooperatives, wholesale suppliers, and an investor-owned utility. Customers First! is a coalition dedicated to preserving Wisconsin's reliable and affordable electricity.

If you have questions or comments about THE WIRE or the Customers First! Coalition,



KEEPING CURRENT

With CFC Executive Director Matt Bromley



The booming natural gas market was the focus of a presentation at the Customers First! Coalition's POWER Breakfast last month. Valerie Wood, founder of Energy Solutions, Inc., a consulting firm that advises industrial and commercial businesses on their natural gas purchases, shared her insights into this historically volatile market. Currently, she said, the trend for consumers is positive as an abundance of natural gas supplies has pushed prices down to the lowest level in 10 years. She cautioned, though, that while prices and supplies should remain favorable for customers in the short term, a variety of unknowns could change the price environment down the road.

Wood noted that the current glut of domestically produced natural gas is a consequence of several factors but none more critical than the rapid increase in shale gas production over the past few years. Since 2000, U.S. shale gas production has increased 17-fold and now comprises about 30 percent of total U.S. natural gas production. The Energy Information Administration (EIA) projects production of shale gas to increase from 5 Tcf (trillion cubic feet) to 13.6 Tcf in 2035. That would make up about 50 percent of the U.S. natural gas supply portfolio. Wood characterized shale gas as a "game changer" for U.S. energy production. It's transforming the supply and price outlooks for natural gas and the competition among energy options domestically and abroad.



Wood and Bromley prior to her presentation.

Wood acknowledged uncertainties with the production of natural gas from shale that could affect supply, such as environmental concerns with the extraction process known as hydraulic fracturing. But she thinks demand is the greater wild card in the equation and places most of the question marks about demand on how the electric power sector will react. In the near term she expects some coal-to-natural-gas switching because of price and compliance with EPA rules. However, natural gas use for power generation over the long term is less clear and depends on how strict emission rules will be, how much infrastructure is required and at what cost, and how competing technologies, like renewables, develop over time.

In addition, the price spikes and inherent volatility of the natural gas market are likely to continue to be concerns for the electric power industry. Nevertheless, the EIA predicts that the natural gas share of electric power generation will increase from 24 percent in 2010 to 27 percent in 2035. 💡

More transmission to be explored

American Transmission Company (ATC) and Minnesota Power are partnering to study transmission development plans they say will bring more wind energy and new Canadian hydropower to the Upper Midwest.

The new partnership agreement was announced early last month by the Waukesha-based ATC and the Duluth-based subsidiary of Allete, a Duluth holding company that also has investments in ATC. Their joint studies are to focus on moving Midwestern wind energy and Canadian hydropower into Minnesota, Wisconsin, and Michigan.

Minnesota Power has concluded a 15-year deal to buy 250 megawatts from a proposed new Manitoba Hydro facility. ATC and Minnesota Power say they'll collaborate on development of a 50-mile, double-circuit 345-kilovolt line allowing that energy to be delivered to the Arrowhead substation near Duluth, northern terminus of the Arrowhead-Weston (Wausau) line ATC placed in service in 2008.

Cost allocation, total project cost, and ownership shares in the new 50-mile line were undetermined, ATC said. The line is expected to be in service in about eight years. 💡

Commissioner wary of FERC transmission order

In keeping with long-held reservations among Wisconsin Public Service Commission members concerning federal transmission mandates, the newest member of the PSC told participants at the recent *Customers First!* POWER Breakfast if Wisconsin customers pay for infrastructure projects, they should share in the benefit.

Commissioner Ellen Nowak told attendees at the February event that the Federal Energy Regulatory Commission's (FERC) Order 1000 raises concerns about one state being forced to subsidize another.

The order requires state regulators to make state and federal policy priorities a factor in transmission planning and as a consequence may make ratepayers underwrite the cost of projects from which they derive little or no benefit, Nowak said, indicating that this represents

a departure from the traditional pre-eminence of reliability and cost considerations in regulatory practice.

Nowak's expressed views were consistent with long-held PSC reservations about FERC transmission directives. At a similar *Customers*



Commissioner Nowak with Larry Becker, Adams-Columbia Electric Cooperative director.

First! event in 2009, then-Commission Chair Eric Callisto disparaged the quality of evidence used to justify proposals for big new transmission lines spanning Wisconsin to move Plains States' energy eastward.

With the exception of a few "snazzy PowerPoints," Callisto said, "nobody to this point has shown the kind of granular evidence" that would justify proposals to build very large new transmission lines crossing Wisconsin to deliver energy to states farther east. 💡

Pipeline explosion costs pushing \$2 billion

It would be hard to exclude a loss of focus born of the utility restructuring mania from the contributing factors in a fatal gas pipeline explosion in 2010. Now Pacific Gas and Electric is reckoning the costs. They're climbing close to \$2 billion and could go higher.

We've commented on this before, and recently. California, it seems, always produces the most spectacular examples of utility restructuring gone wrong. But that understates the magnitude of an incident that cost eight lives and injured almost 60 people in addition to destroying an entire neighborhood.

And now the ugly numbers are coming together. The utility (PGE) says its costs related to the incident—costs related to testing and reinforcing its gas distribution system—may exceed \$1.7 billion by the end of this year. *The Wall Street Journal* in February noted that the

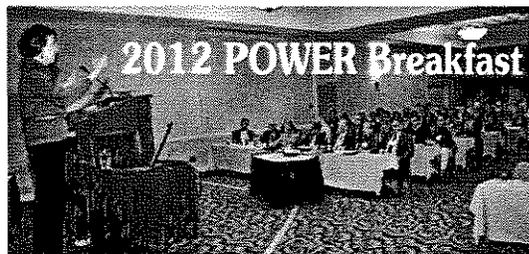
expenses will be "pressuring earnings for the foreseeable future."

That's before factoring in the penalties to be assessed against PGE by state regulators. The company has assumed it will be fined at least \$200 million and the *Journal* reports PGE has set aside that amount in anticipation of a decision by the California Public Utilities Commission.

The *Journal* quoted a PGE official saying

the pre-penalty costs essentially erase the profit earned by the utility's pipeline system over at least the past decade.

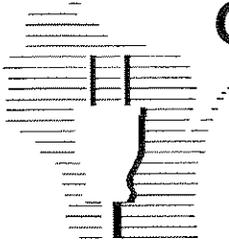
Nobody can say with certainty that the disaster in San Bruno wouldn't have happened if not for utility restructuring. But neither can anyone dismiss the criticism long before the disaster happened, saying that restructuring had caused PGE to wander from its core mission and lose its way. 💡



Energy saver tip

Don't run a half-empty dishwasher. The same amounts of hot water, detergent, and electricity get used no matter what you wash, so wait until you have a full load and get the most out of what you use. And, if the appliance has an air-dry or energy-saver cycle, using it can save you close to a dime every time.





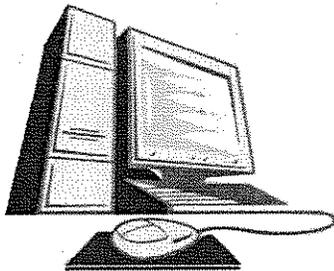
Customers First!

P.O. Box 54
Madison, WI 53701

A Coalition

to preserve
Wisconsin's
Reliable
and Affordable
Electricity

Be sure
to check out the
Customers First!
website at



www.customersfirst.org



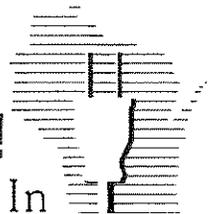
Quotable Quotes

"They know they've got a good thing going and they will do everything they can to preserve their monopoly."

—Energy and government relations consultant Deborah Sliz, giving her view of freight railroads' motivation to defeat reform legislation, at the *Customers First!* Coalition POWER Breakfast in Madison, February 15, 2012

Help us share our messages with others. If you know of businesses or organizations that would like to learn more about protecting Wisconsin's reliable and affordable electricity, please feel free to copy and share with them all or part of this newsletter, or you can call 608/286-0784 to arrange an informational meeting.

Customers First!
Plugging Wisconsin In



Debbie Galeazzi

From: Brian Tungate
Sent: Thursday, March 15, 2012 10:39 AM
To: Debbie Galeazzi
Subject: FW: Emailing: Menasha Rotary
Attachments: Menasha_Rotary.pdf

Brian Tungate | Director of Parks and Recreation | City of Menasha | 40 Main St. | Menasha WI 54952 | ☎ 920.967.3640
| ☎ 920.967.5272 | ✉ btungate@ci.menasha.wi.us | 🌐 www.cityofmenasha-wi.gov



 Think before you print

From: DadRippl [mailto:dadripl@aol.com]
Sent: Wednesday, March 14, 2012 3:40 PM
To: Brian Tungate
Cc: Aaron Zemlock Home E-mail; PfundtnerP@mjsd.k12.wi.us
Subject: Emailing: Menasha Rotary

Hi Brian,

Sorry for the delay on this. I didn't realize our Treasurer was on vacation. I was able to obtain some numbers for you, unfortunately it only goes to 2007. Our new Treasurer would have the information beyond that, however he won't be able to meet your time frames.

Attached are three lists. The first sheet is a snap shot of a typical two year donation cycle, in this case 2004 to 2005. The next is our "One Time Special Purpose Donation" sheet. These dates run from eccensially March 1998 to May of 2007. The last is our "Repetitive Donations" sheet. These are organizations we donate to on a regular basis. This sheet only shows dates from 1996 to 2004.

There are a couple larger donations this year that were not on the sheets that I feel are important to recognize. The Neenah Menasha Fire and Rescue will receive more that \$2,000. St Mary's will also receive near that amount. Youth Sports will receive over \$3,000.

As I mentioned there will be at least two Rotarians at the meeting, so if Aaron Zemlock and Peter Pfundter would be allowed to speak during the public speaking time, that would be great.

I hope this will help the Council see differently.

Dan

MENASHA ROTARY 2004 & 2005 CIVIC DONATIONS

Date	Amount	Recipient
Jan-04	\$250.00	Heckrodt Wetland Reserve
Jan-04	\$225.00	Badger Girls State
Jan-04	\$225.00	Badger Boys State
Jan-04	\$355.00	World Affairs Seminar
Mar-04	\$300.00	YMCA: Strong Kids Campaign
Mar-04	\$25.00	Piggly Wiggly: Make A Wish Foundation
Apr-04	\$200.00	Menasha Park & Rec: Pool Passes
May-04	\$100.00	Children's Museum
May-04	\$200.00	Menasha High: Destination Imagination
May-04	\$220.00	Menasha Library: Memorial Brick, Medal of Honor
Jun-04	\$300.00	Youth Go
Jun-04	\$500.00	Menasha Twins Legion Baseball
Jun-04	\$50.00	Trees For Tomorrow
Jul-04	\$150.00	Dental Sealant Program
Nov-04	\$250.00	St. Joseph's Food Pantry
Nov-04	\$250.00	Leaven
Dec-04	\$100.00	Children's Museum
Dec-04	\$250.00	Badger Girls State
Dec-04	\$5,000.00	Menasha High School Band: Seafood Fest donation
Dec-04	\$2,500.00	Menasha High School Band: Inaugural Parade
Jan-05	\$300.00	RI Clean Water Well project sponsored by district 6270
Jan-05	\$1,700.00	Menasha Education Endowment
Jan-05	\$225.00	Badger Boys State
Jan-05	\$200.00	World Affairs Seminar- MHS
Feb-05	\$150.00	Community Clothes Closet
Mar-05	\$150.00	N.E. Wisconsin (writers) Festival @ Menasha Library
Mar-05	\$50.00	Trees For Tomorrow, Fox River Valley
Mar-05	\$50.00	Piggly Wiggly: Make A Wish Foundation
Apr-05	\$25.00	Eagle Scout, Andrew Johnson
Apr-05	\$1,000.00	Habitat for Humanity, Greater Fox Cities
Apr-05	\$250.00	City of Menasha Park and Recreation
Apr-05	\$300.00	Salvation Army
Apr-05	\$300.00	NM YMCA
Apr-05	\$100.00	Menasha High School- DECA
Apr-05	\$500.00	Restore- Restorative Justice FV Community
Jul-05	\$850.00	Menasha Utilities- Centennial Plaza
Aug-05	\$250.00	Andy Lathrup family
Sep-05	\$200.00	Menasha Schools- Bob Lenz program
Sep-05	\$100.00	Youth Go
Oct-05	\$1,000.00	Maplewood Charter School
Nov-05	\$5,000.00	Greenways- Trestle Trail Project, Seafood Fest donation
Nov-05	\$250.00	Heckrodt Wetland Reserve
Nov-05	\$1,000.00	Habitat for Humanity, Greater Fox Cities
Nov-05	\$100.00	Flour Power, Sheboygan Rotary
Dec-05	\$225.00	Badger, Girs State
Dec-06	\$50.00	Make a Wish Foundation
Dec-06	\$250.00	Rotary World Affairs- UW Whitewater
Jan-06	\$1,000.00	Menasha Schools

S N A P S H O T O F A T Y P I C A L 2 Y E A R R O T A T I O N

MENASHA ROTARY CLUB

Civic Support

One Time Special Purpose Donations

Organization	Purpose	Date	Amount
Neenah Menasha Safety House		Dec-95	100.00
YMCA Kimberly Clark	Playground Project	Jun-97	500.00
Menasha Park & Rec	Seafood fest donation	Mar-98	3700.00
Menasha Schools	Band Trip	Nov-98	10940.00
Handicapped Student equipment	Dave Toonen	Jan-99	200.00
Menasha Park & Rec	Playground Equipment	Feb-99	3000.00
United Community Services	Building Campaign	Mar-99	300.00
Sandy Brink Business & Professional Women	Trip Abroad	Oct-99	300.00
Menasha Public Library	Seafood fest donation	Dec-99	10500.00
Charity Trike	Bike Ride for Charity	May-00	50.00
Ngassa Mssika - College Loan		May-00	500.00
Assoc Retarded children		May-00	50.00
Quarry Quest		Aug-00	100.00
Fox Valley Community Table		Nov-00	100.00
Winnebago County Literacy Council		Nov-00	100.00
Back to School Fair		May-01	100.00
Fox Valley Symphony	Seafood fest donation	Dec-01	8000.00
Thea Clark Golden Hour	Teen Education	Jan-02	500.00
District 7610	Disaster relief (seafood funds)	Mar-02	1000.00
Menasha Park & Rec	Skateboard park	Nov-02	500.00
Peace Corps	Cameroon Project (Jack Fry)	Dec-02	300.00
Habitat for Humanity (Menasha High School)	Seafood fest donation	Dec-02	6000.00
Menasha High School	Assets in Menasha Program	Apr-03	200.00
Rotary International	Eradicate Polio Fund	Jul-03	\$4,454.68
Menasha Park & Rec	Teen Program "party in the park"	Jul-03	250.00
Menasha Library	Building Campaign	Aug-03	1000.00
Menasha MAC's	Polish Fest	Aug-03	25.00
Menasha High School Band	Seafood fest donation	Oct-03	5000.00
Menasha Library: Memorial Brick	Medal of Honor Winner	May-04	220.00
	Dental Sealant Program	Jul-04	150.00
St. Joseph's Food Pantry	General	Nov-04	250.00
Menasha High School Band	Seafood fest donation	Dec-04	5000.00
Menasha High School Band	Inaugural Parade Donation	Dec-04	2500.00
Menasha Education Endowment	AED Unit	Jan-05	1700.00
RI Clean Water Well project sponsored by district 6270		Jan-05	300.00
N.E. Wisconsin (winters) Festival @ Menasha Library		Mar-05	150.00
Eagle Scout, Andrew Johnson	Heckrodt Project	Apr-05	25.00
Habitat for Humanity, Greater Fox Cities		Apr-05	1000.00
Salvation Army	Youth Summer Day Camp	Apr-05	300.00
NM YMCA	Strong Kids	Apr-05	300.00
Menasha High School	DECA	Apr-05	100.00
Restorative Justice Fox Valley Community		Apr-05	500.00
Menasha Utilities	Centennial Plaza	Jul-05	650.00
Andy Lahrup family		Aug-05	250.00
Menasha Schocis	Bob Lenz - HS program	Sep-05	200.00
Maplewood Charter School	Field Trip	Oct-05	1000.00
Greenways Trastle Trail Project	Seafood fest donation	Nov-05	13000.00
Habitat for Humanity, Greater Fox Cities		Nov-05	1000.00
Flour Power- Sheboygan Rotary	International Project	Nov-05	100.00
Make a Wish Foundation		Dec-05	50.00
Easter Seals	General	Jan-06	300.00
City of Menasha	Soccer advertising	Feb-06	325.00
Valene Beljakovich	Exchange student music trip	Apr-06	369.00
MHS- English Language Learners	Language instruction	Apr-06	\$200.00
September 11 Committee	Memorial	May-06	\$500.00
Paper Discovery Museum c/o Geo. Mueller	General	May-06	\$400.00
Calder Concessions Building Blue Jay Backers	Building Campaign	Jul-06	12,500.00
Victim Crisis Response Menasha PD	Community Service	Aug-06	750
Kids Dart Club	Community Service	Jul-06	500
Menasha Legion Baseball	Community Service	Jun-06	500
Make a Wish Foundation	Community Service	Sep-06	500
MHS- Economics Field Trip to Chicago Board of Trade	Education	Sep-06	150
Early Intervention Services	Community Service	Oct-06	200
Community Clothes Closet	Community Service	Oct-06	200
World Affairs Seminar Sponsorship of up to 5 students	International Education	Nov-06	\$1,650
Levan	Community Service	Nov-06	500
Badger State Girls	Edu and Community Serv	Nov-06	225
Buckets of Hunger	Community Service	Dec-06	500
International Students Bus Tour to Chicago In-bound	International Education	Dec-06	145
Adult ELL through CLC	Community Education	Dec-06	3,860
Habitat for Humanity, Greater Fox Cities	*Rec: Bill's service to the club	Jan-07	1000
HS Art field trip to Chicago Inst of Art	Education	Feb-07	350
Niemuth Family Video Monitor	Community Service	Feb-07	50
Civi Air Patrol 2 care pkg. for troops overseas	Community Service	Feb-07	100
Badger State Boys	Education	Feb-07	235
YMCA	Strong Kids	Mar-07	250
Nahama Youth Choir MJSD	EAA Tickets	Mar-07	250
American Legion Menasha Twins	Community Service	May-07	500
Schools Out/Summer School	Community Service	May-07	1000
Choices	Community Service	May-07	1121

From 1987 to May 07 - Includly Lightly Paper - 2000 + 11 = 43,445
 3/14/2012
 Menasha High School 97-07 = 42,561
 Total One Time 97-07 = 115,944 excludly Lightly Paper

MENASHA ROTARY CLUB

Civic Support

1996 - 2004

Repetitive Donations

	12/04-\$250	01/04-\$225	01/03-\$200	02/02-\$200	01/01-\$200	01/00-\$200	01/00-\$200	01/99-\$200	01/98-\$200	01/97-\$200
Badger Girls State										
Badger Boys State										
Bay Lakes Council BSA camperships	01/05-\$225	01/04-\$225	01/03-\$125	01/01-\$200	01/00-\$200	1/99-\$200	1/96-\$180			
Best Friends	6/99-\$290	6/98-\$290	6/96-\$250	5/96-\$81	4/96-\$400	1/96-\$200				
Boys & Girls Brigade: Rope Course	01/02-\$250	12/01-\$250	12/00-\$200							
Chamber of Commerce: Arbor Day	2/99-\$400	3/98-\$400								
Childrens Museum	5/01-\$75	5/00-\$100	3/99-\$50	3/98-\$50	1/97-\$50	11/95-\$50				
City of Menasha (pool passes)	12/04-\$100	05/04-\$100	01/03-\$100	01/02-\$100	12/01-\$250	10/99-\$250	10/98-\$250			
Clothes Closet	04/04-\$200	5/02-\$200	5/01-\$200	5/00-\$200	6/99-\$200	04/99-\$100	7/97-\$100			
Community Services Building - Bldg Campaign	03/05-\$150	01/03-\$100	01/02-\$200	12/01-\$200	6/00-\$25					
Gometarzi Home/Children: Jack Fry	3/98-\$300	12/97-\$350	1/97-\$350							
Goodwill Industries - Building Campaign	5/00-\$225	5/99-\$500								
Goodwill Industries - Early Intervention	1/97-\$500	5/96-\$500								
Heckrodt	11/00-\$150	9/99-\$150	6/99-\$150	6/98-\$150	7/97-\$100	1/97-\$100				
Jr. Statesman/Georgetown University (Aaron Waller)	01/04-\$250	01/03-\$250	01/02-\$500	12/01-\$500	11/05-\$250					
Leven	6/99-\$235	6/98-\$235								
Menasha 2000 Program	5/06-\$500	11/04-\$250								
Menasha Action Council	3/00-\$500	7/99-\$500	1/99-\$500							
Menasha Action Council - Education Junction	08/01-\$350	2/01-\$250	2/00-\$275	01/99-\$275	9/97-\$250	11/96-\$100	2/96-\$250			
Menasha Library	8/01-\$250	9/00-\$300								
Menasha Schools Scholarships	10/98-\$175	9/97-\$140								
Menasha Schools: Reading classroom edu	1/99-\$500									
Menasha Schools: Destination Imagination	11/02-\$225	10/99-\$175	4/99-\$50	4/98-\$50						
Menasha Park and Rec. - pool passes	5/04-\$200	5/01-\$200								
Menasha Legion Baseball	4/05-\$300	4/05-\$250								
Miss Appleton Area Scholarships	6/06-\$500	6/04-\$500	6/03-\$500							
National Youth Leadership-Cassie Fischer	7/97-\$410	6/96-\$410								
Piggly Wiggly: Make A Wish Foundation	2/99-\$100	2/98-\$100								
Reach Counseling Services	3/05-\$50	3/04-\$25	2/03-\$25							
Regional Domestic Abuse: Bldg Campaign	2/02-\$200	4/99-\$250								
Rotary International- Paul Harris Award	10/99-\$350	2/96-\$250								
Social Services, flowers, volunteers, etc	6/99-\$1000	6/98-\$1000	6/97-\$1000	6/96-\$1000	6/96-\$1000					
St. Mary Central - Building Campaign	4/97-\$100	10/96-\$100	6/96-\$250	3/96-\$35	11/95-\$50					
Theda Clark Golden Hour: Teen Education	12/97-\$350	3/97-\$350	6/96-\$350							
Trees for Tomorrow	2/02-\$500	12/01-\$500								
Tri-Communities Crime Reduction Coalition	3/05-\$50	6/04-\$50	1/03-\$100	5/02-\$100	5/01-\$50					
UW Fox Valley: Barlow Planetarium & Foundation	1/99-\$50	1/98-\$50	1/95-\$50							
Winnebago needs response: backpack program	1/99-\$150	1/98-\$150								
World Affairs Seminar (Menasha High School)	5/00-\$200	4/99-\$300								
YMCA	12/05-\$250	1/05-\$200	1/04-\$355	4/03-\$375	12/99-\$285	2/99-\$300	2/98-\$300			
Youth Go	4/06-\$250	3/04-\$300	02/03-\$300	05/02-\$300	3/01-\$300	2/00-\$300	6/97-\$250	4/98-\$250	6/97-\$250	5/96-\$100
	6/04-\$300	1/03-\$200	12/01-\$300	8/01-\$300	8/01-\$300	8/02-\$300	10/98-\$300	6/96-\$250	6/96-\$250	9/05-\$100

CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday, March 5, 2012
MINUTES

DRAFT

A. CALL TO ORDER

Meeting called to order by Mayor Merkes at 6:00 p.m.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Langdon, Krueger, Zelinski, Englebert, Benner, Klein, Taylor, Sevenich.

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, PC Styka, FC Auxier, DPW Radtke, CDD Keil, C/T Stoffel, PHD Nett, PRD Tungate, LD Lenz, PP Homan, Clerk Galeazzi and the Press

D. PUBLIC HEARING

E. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THE CITY

(five (5) minute time limit for each person)

Rebecca Nichols, 402 Elm Street. Encourage Council to reconsider Resolution R-1-12; Comments on Special Events Policy.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

1. Rep. Penny Bernard-Schaber – Regional Transit Authority Legislation

Rep. Bernard-Schaber gave an overview of the Regional Transit Authority Bill (SB456). A public hearing is scheduled for March 8, 2012. The bill will authorize the creation of a Fox Cities Regional Transit Authority. She explained the rolls of the municipalities.

2. Clerk Galeazzi - the following minutes and communications have been received and placed on file:

Minutes to receive:

- a. Administration Committee, 2/20/12
- b. Board of Public Works, 2/20/12
- c. Board of Health, 1/11/12
- d. Committee on Aging, 1/12/12
- e. Library Board, 2/16/12
- f. NM Fire Rescue, Joint Finance & Personnel Committee, 2/28/12
- g. NM Sewerage Commission 1/24/12
- h. Plan Commission, 2/21/12
- i. Safety Committee, 1/5/12: City Hall
- j. Safety Committee, 1/27/12: Public Works/Parks

Communications:

- k. Library Director Lenz, Press release- Voter ID Law Explained-informational meeting details
- l. Memo from Mayor Merkes, 2/29/12: Storm Water Utility Reporting
- m. Menasha Historical Society News, February-March 2012
- n. Strategic Management Planning Seminar
- o. WisDOT to DPW Radtke, 2/16/12: US10/WIS441 Tri-County freeway reconstruction and expansion

Moved by Ald. Sevenich, seconded by Ald. Langdon to received Minutes and Communications A-O
Discussion: Ald. Sevenich-Comm. L (Storm Water Utility Reporting), comments on storm water funds and reporting.

Ald. Klein-Minutes E (Library Board), questions on allowing petitioning in the Library.

CA/HRD Captain-Comm. N (Strategic Management Planning Seminar), encouraged elected officials to attend.

Motion carried on voice vote.

DRAFT

G. CONSENT AGENDA

(Prior to voting on the Consent Agenda, items on the Consent Agenda may be removed at the request of any Alderman and place immediately following action on the Consent Agenda. The procedures to follow for the Consent Agenda are: (a) removal of items from Consent Agenda; and (b) motion to approve the items from Consent Agenda.)

Minutes to approve:

1. Common Council, 2/20/12
2. Special Common Council, 2/24/12

Administration Committee, 2/20/12; recommends approve of:

3. Renewal of the Underground Storage Tanks insurance coverage with Liberty Surplus Insurance Corp. for the term 3/10/2012 to 12/31/2012 in the amount of \$3,306.83.

Board of Public Works, 2/20/12; recommends approval of:

4. Change Order – City of Menasha Wastewater Collection System Rehabilitation Improvements – Phase 4 Project; Sanitary Sewer Rehabilitation; Contract E145-11-01A; Request a 60-Day Time Extension to Complete Punch List Items and Provide Project Close-Out Documentation (Change Order No. 4)

Plan Commission, 2/21/12; recommends approval of:

5. The land sale to Tonic with the finding that the property was not needed by the city for transportation or park or recreation purposes

Ald. Sevenich requested to remove item 5 (land sale to Tonic) from Consent Agenda.

Moved by Ald. Sevenich, seconded by Ald. Langdon to approve Consent Agenda items 1-4.

Motion carried on roll call 8-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

Moved by Ald. Sevenich, seconded by Ald. Krueger to approve Consent Agenda item 5, land sale to Tonic for the amount of \$2,500 with the finding that the property was not needed by the City for transportation or park or recreation purposes.

Discussion ensued on the value of the property and any other general uses; buyer has been maintaining property.

Moved by Ald. Klein to counter-offer for the amount of \$5,000. No second. Motion dies

Moved by Ald. Sevenich, seconded by Ald. Zelinski to amend offer to delete section Property Condition Provisions (lines 53-84) and the buyer pay all closing costs including Title Insurance.

Motion on amendment carried on roll call 8-0.

Motion as amended carried on roll call 8-0.

I. ACTION ITEMS

1. Accounts payable and payroll for the term of 2/23/12 to 3/1/12 in the amount of \$868,788.59

Moved by Ald. Klein, seconded by Ald. Krueger to approve accounts payable and payroll.

Motion carried on roll call 8-0.

J. ORDINANCES AND RESOLUTIONS

1. R-4-12 – Resolution Continuing Appropriations (introduced by Ald. Sevenich, recommended by NM Fire-Rescue Joint Finance & Personnel Committee)

Moved by Ald. Sevenich, seconded by Ald. Krueger to adopt R-4-12.

Motion carried on roll call 8-0.

2. Motion to Remove from the Table R-1-12 A Resolution Restructuring Pro-Rated Benefit Levels for Regular Part-Time Employees (Ald. Krueger)

Moved by Ald. Krueger, seconded by Ald. Englebert to remove from the table R-1-12.

Motion carried on roll call 7-1. Ald. Sevenich – no

Moved by Ald. Krueger, seconded by Ald. Englebert to adopt R-1-12,

Discussion ensued on cost of benefits for part-time employees.

Motion carried on roll call 7-1. Ald. Sevenich – no

3. Motion to Reconsider R-2-12 A Resolution Pertaining to Changes in Fees for Parks and Recreation Programs and Services for 2012 (Ald. Langdon)

Moved by Ald. Langdon, seconded by Ald. Zelinski to reconsider R-2-12

Motion carried on roll call 8-0.

Original motion of 2/20/12; Moved by Ald. Langdon, seconded by Ald. Englebert to adopt R-2-12.

Discussion ensued on special events electric fees.

Moved by Ald. Sevenich, seconded by Ald. Zelinski to amend to remove the Special Event Electric Fees.

Ald. Krueger and Taylor stated they will abstain as they are involved with Special Events in the City.

Motion on amendment failed on roll call 3-3. Mayor Merkes voted yes to break the tie.

Motion on amendment carried on roll call 4-3.

Ald. Sevenich, Langdon, Zelinski, Mayor Merkes – yes

Ald. Klein, Englebert, Benner – no

Ald. Krueger, Taylor – abstained

Motion to adopt R-2-12 as amended carried on roll call 6-0.

Ald. Krueger, Taylor – abstained

K. APPOINTMENTS

1. Mayor's reappointments to the Landmarks Commission:

a. Peg Docter, 349 Cleveland St., for the term of March 1, 2012-March 1, 2015

b. Kristi Lynch, 330 Winnebago Ave., for the term of March 1, 2012-March 1, 2015

Moved by Ald. Sevenich, seconded by Ald. Krueger to approve reappointment of Peg Docter & Kristi Lynch.

Motion carried on voice vote.

L. RECESS TO ADMINISTRATION COMMITTEE, BOARD OF PUBLIC WORKS AND PERSONNEL COMM.

Moved by Ald. Krueger, seconded by Ald. Langdon to recess at 7:05 p.m.

Motion carried on voice vote.

Reconvened at 8:56 p.m.

M. ADJOURN INTO CLOSED SESSION

Moved by Ald. Benner, seconded by Ald. Englebert 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 advise concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. (The Intermunicipal Agreement with Town of Harrison, Menasha and Waverly Sanitary District; Case #12-CV-28 in the Matter of Incorporation of Portions of lands comprising the Town of Harrison, Calumet County and the Town of Buchanan, Outagamie County)

Motion carried on roll call 8-0.

N. RECONVENE INTO OPEN SESSION

Moved by Ald. Benner, seconded by Ald. Krueger to reconvene into Open Session at 9:34 p.m.

Motion carried on voice vote.

O. ORDINANCES AND RESOLUTIONS, cont'd

1. Motion to Reconsider R-3-12 A Resolution Relating to the Annexation of Territory Proposed for Incorporation as the Village of Harrison (Ald. Langdon)

CA/HRD Captain explained effects of reconsidering Resolution R-3-12.

Ald. Langdon stated he did not wish to reconsider Resolution R-3-12.

DRAFT

P. CLAIMS AGAINST THE CITY

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

R. ADJOURN

Moved by Aid. Sevenich, seconded by Aid. Englebert to adjourn at 9:35 p.m.
Motion carried on voice vote.

Respectfully submitted by Deborah A. Galeazzi, WCMC, City Clerk

City of Menasha Special Event Policy

SPECIAL EVENT is defined as any planned occurrence on the public right-of-way or public premises including, but not limited to; parades, gatherings, festivals and athletic events. By nature these events have a greater impact on City services and resources than would have occurred had the event not taken place. Special events require multiple department involvement.

The City of Menasha wants any Special Event to be a success for organizers and participants alike. By providing for an organized application process, we hope to provide for the safety and well being of all community members.

APPLICATION Complete Special Event Agreement Packet must be returned to City Hall, 2nd Floor, Public Works/Park & Recreation Departments at least 60 days prior to the event. This will allow time for all pertinent departments to review your event needs. A non – refundable fee of \$25 is due at the time your application is submitted. Please note that if you are holding an event in a park you will need to reserve the park prior to turning in your Special Events Application.

REVIEW OF APPLICATION Once your application is received and reviewed, someone from your group will be required to attend a meeting with the Special Events Staff Committee. You will be advised of the date and time. The Special Events staff meeting will be scheduled no later than 45 days prior to the event date. The appropriate departments will review the individual worksheets included in your Special Events Packet to ensure that all considerations have been identified and contingencies planned for. Approval for street closures will be scheduled for the next Common Council meeting following the Special Events staff meeting.

APPROVAL OF APPLICATION Once your application has been reviewed and approved you will receive a Special Event Permit.

CERTIFICATE OF INSURANCE AND ENDORSEMENT If proof of insurance is required, Certificate of Insurance and Endorsement must be provided by the event sponsor. The City of Menasha must be named as additional insured on both the Certificate of Insurance and the Endorsement. The sponsor shall hold the City, any of its employees and agents and facilities harmless against all claims, liability, loss, damage or expense incurred by the City for any damage or injury to person or property caused by or resulting from activities arising from the special event. The Certificate of Insurance and the Endorsement must be submitted no later than 5 business days following approval of the special event, but in no case less than 30 days prior to the event. The Certificate of Insurance and the Endorsement must be submitted no later than 15 days prior to the event. Failure to provide insurance and endorsement on time can result in termination of event permits.

SPONSOR ADDITIONAL RESPONSIBILITIES If your event requires street closure, it is the event holder's responsibility to contact, Valley Transit at 920-832-5200 and Gold Cross Ambulance at 920-967-6077 to alert them to the street closure. It is also the event holder's responsibility to notify the property occupants affected by a street closure exceeding 30 minutes. Included in this packet is a form that can be used for notification.

FEES All events are required to pay a non-refundable deposit of \$25 at the time their application is turned in. ~~Charges for park facilities, food sales permits, tent permit fees, firework fees, etc. are to be paid IN ADDITION to the Special Events application fee. Other possible incurred charges for events that may need to be paid IN ADDITION to the Special Events application fee includes food sales permits, tent permit fees, fireworks fees, the designated flat fee approved by the Common Council for use of requested park and facility locations, etc.~~

Submittal of an event application does **NOT** reserve a park. The applicable fees due prior to your event are: temporary food service permits, temporary beer sales permit, carnival permit, tent fee inspection and fireworks permits. At the completion of your event, charges shall be paid no later than 30 days from the mailed postal date of the final invoice without interest. If this requirement is not met, further charges may be incurred.

~~**NON-PROFIT ORGANIZATIONS AS EVENT HOLDERS** Non-Profits hosting an event that is free and open to the public may receive up to a 50% discount on the total Special Event bill. By definition the Non-Profit group must be a registered 501(c)(3) or (4) organization and proof of this designation is required.~~

TERMINATION OF EVENT The City and its representative reserve the right to shut down a special event that is in progress if it is determined to be a safety hazard by the Police and/or Fire Departments and/or there is a violation of City Ordinances, State Statute, or the terms of the approved application have not been met. The Mayor and /or their designee may revoke an approved Special Event Permit if the applicant fails to comply in good faith with the provisions of the permit prior to the event date.

CITY OF MENASHA DISBURSEMENTS

Accounts Payable for 3/8/12-3/15/12 Checks # 32747-32874	\$ 355,383.01
Payroll Checks for 3/8/12-3/9/12	<u>206,316.69</u>
Total	\$ 561,699.70

Medical Expense Reimbursement Trust-Retirement Pay Out

Menasha Employees Credit Union-Employee Deductions

Wisconsin Support Collections-Child/Spousal Support

United Way-Employee Donations

**A gap in check numbers is due to more invoices being paid than fits on one check stub. In that case the last check stub used for that vendor is the check number that will show on the check register.

AP Check Register
Check Date: 3/8/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
AIRGAS NORTH CENTRAL	32747	3/8/2012	105336657	731-1022-541.30-18	145.50	Cylinders
				Total for check: 32747	145.50	
APPLETON HYDRAULIC COMPONENTS	32748	3/8/2012	22622	731-1022-541.38-03	37.98	Supply seal kit
				Total for check: 32748	37.98	
BERGSTROM	32749	3/8/2012	16041	731-1022-541.38-03	11.71	Shop
				Total for check: 32749	11.71	
BOMBSKI CONSTRUCTION &	32750	3/8/2012		263-0306-562.70-01	2,000.00	739 Roosevelt Street
				Total for check: 32750	2,000.00	
BOMBSKI CONSTRUCTION &	32751	3/8/2012		263-0306-562.70-01	5,000.00	111 Madison Street
				Total for check: 32751	5,000.00	
CAREW CONCRETE & SUPPLY CO INC	32752	3/8/2012		731-1022-541.30-18	81.00	Fence-PWF West Gate Posts
				625-1010-541.30-18	103.75	Concrete Supplies
				625-1010-541.30-18	83.00	Concrete
				Total for check: 32752	267.75	
CDW GOVERNMENT INC	32753	3/8/2012		743-0403-513.80-01	559.84	Hard drives for Unitrendsbackup vaulting
				743-0403-513.30-15	10,832.24	Licenses for new servers
				Total for check: 32753	11,392.08	
CRI RECYCLING SERVICE INC	32754	3/8/2012		266-1027-543.21-06	306.00	Granular Recycling/Drum
				Total for check: 32754	306.00	

AP Check Register
Check Date: 3/8/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
EAGLE SIGN & DESIGN LLC	32755	3/8/2012	4875	100-0304-562.30-18	65.66	Parking Permit Decals
			Total for check: 32755		<u>65.66</u>	
FERGUSON ENTERPRISES #448	32756	3/8/2012	0105782	100-0704-552.24-04	307.00	Flange for Pool Pump
				100-0704-552.24-04	(307.00)	correct
		3/8/2012	0731545	731-1022-541.24-03	224.74	Front 1 1/2 Fill
		3/8/2012	0732113	731-1022-541.24-03	386.13	Water Lines
		3/8/2012	0732126	731-1022-541.24-03	19.24	Water Lines
		3/8/2012	0732379	731-1022-541.24-03	20.39	Dilution control
		Total for check: 32756		<u>678.70</u>		
FERGUSON WATERWORKS #1476	32757	3/8/2012	0105782	100-0704-552.24-04	307.00	Flange/Pool Pump
		3/8/2012	0106082	601-1020-543.30-18	218.80	Sanitary Sewer/Riverway
		3/8/2012	0106224	601-1020-543.30-18	45.08	Sewer Pipe
			Total for check: 32757		<u>570.88</u>	
FOX VALLEY TRUCK	32758	3/8/2012	497255	731-1022-541.38-03	111.57	Pipe/Oil/Brk/Gasket
			Total for check: 32758		<u>111.57</u>	
ARTHUR J GALLAGHER & CO INS	32759	3/8/2012	317067	733-0206-512.51-11	3,210.51	Policy Renewal
			Total for check: 32759		<u>3,210.51</u>	
GUNDERSON UNIFORM & LINEN RENTAL	32760	3/8/2012	1445420	100-0801-521.30-13	31.45	Towels/Mats
		3/8/2012	1447187	100-0801-521.30-13	30.78	Towels/Mats
			Total for check: 32760		<u>62.23</u>	
HUNTON & WILLIAMS LLP	32761	3/8/2012	102028313	267-0102-581.21-02	8,847.85	Defense of Litigation
			Total for check: 32761		<u>8,847.85</u>	

AP Check Register
Check Date: 3/8/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
KUNDINGER FLUID POWER INC	32762	3/8/2012	50173207	731-1022-541.38-03	111.44	Tube Assembly
			Total for check: 32762		111.44	
LEVENHAGEN CORPORATION	32763	3/8/2012	045205A-IN	100-0000-131.00-00	25,695.99	Gasoline
			Total for check: 32763		25,695.99	
LITTLE FALLS MACHINE INC	32764	3/8/2012	102938	741-0000-193.00-00	7,824.00	Front Mount Wing/Kit Trip Edge/Paint
			Total for check: 32764		7,824.00	
MARSHALL & ILSLEY TRUST COMPANY NA	32765	3/8/2012	4022773	100-0202-512.21-06	260.00	Monthly Fees
			Total for check: 32765		260.00	
MATTHEWS TIRE & SERVICE CENTER	32766	3/8/2012	41934	731-1022-541.38-02	302.49	Replace Tire
		3/8/2012	41938	731-1022-541.38-02	458.76	Replace Tires
		3/8/2012	41940	731-1022-541.38-02	8,472.00	New Tires
		3/8/2012	41948	731-1022-541.38-02	82.98	Replace Tire
			Total for check: 32766		9,316.23	
MC CLONE INSURANCE GROUP	32767	3/8/2012	92300	100-0801-521.32-01	20.00	Notary Bond Beverly Sawyer
			Total for check: 32767		20.00	
MENARDS-APPLETON EAST	32768	3/8/2012	15284	100-0703-553.30-18	19.68	Bells/Poplar
		3/8/2012	16758	100-0920-531.24-03	8.86	Painting supplies
			Total for check: 32768		56.45	Paint supply/Wall Repair
MENARDS-APPLETON WEST	32769	3/8/2012	27012	731-1022-541.30-18	82.13	Pegs/Pegboard

AP Check Register
Check Date: 3/8/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
MENARDS-APPLETON WEST...	32769...	3/8/2012	28561	100-1001-514.24-03	15.99	City Hall Records Area Door Trim
	Total for check: 32769				98.12	
MENASHA EMPLOYEES CREDIT UNION	32770	3/8/2012	20120308	100-0000-202.05-00	13,949.00	PAYROLL SUMMARY
	Total for check: 32770				13,949.00	
MENASHA EMPLOYEES CREDIT UNION	32771	3/8/2012	20120308	100-0000-202.10-00	159.68	PAYROLL SUMMARY
	Total for check: 32771				159.68	
MENASHA HEALTH DEPARTMENT	32772	3/8/2012		100-0918-531.30-18	4.98	Miscellaneous Expenses
				100-0909-531.30-18	18.44	Miscellaneous Expenses
				100-0902-524.30-18	6.78	Miscellaneous Expenses
				100-0902-524.33-02	15.00	Miscellaneous Expenses
				100-0903-531.33-01	31.91	Miscellaneous Expenses
Total for check: 32772				77.11		
MENASHA UTILITIES	32773	3/8/2012		100-1008-541.22-03	198.55	Electric
				100-0703-553.22-03	524.20	Electric
				100-0703-553.22-05	143.99	Water
				100-0703-553.22-06	91.25	Storm
				100-0903-531.22-03	197.41	Electric
				100-0903-531.22-05	50.09	Water
				100-0000-123.00-00	8.72	Electric
				100-0305-562.22-06	2.50	Storm
				601-1020-543.22-03	66.90	Electric
				601-1020-543.30-18	27.45	Sewer Work/Terra on Willow Lane
Total for check: 32773				1,311.06		
N&M AUTO SUPPLY	32774	3/8/2012	392259	731-1022-541.38-03	49.96	Light
		3/8/2012	392515	731-1022-541.38-03	15.69	Door Handle
		3/8/2012	392656	731-1022-541.38-03	13.96	Circuit Breaker

AP Check Register
Check Date: 3/8/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
N&M AUTO SUPPLY...	32774...	3/8/2012	393282	731-1022-541.38-03	15.00	Inline Fuel Filter
		3/8/2012	393482	731-1022-541.38-03	36.39	Brake/Power Steer Fluid
			Total for check: 32774		131.00	
NEENAH POLICE DEPARTMENT	32775	3/8/2012		100-0000-201.03-00	139.00	Bond/MEPD 12-599
			Total for check: 32775		139.00	
NEENAH-MENASHA MUNICIPAL COURT	32776	3/8/2012		100-0000-201.03-00	139.00	Bond/MEPD 11-3424
			Total for check: 32776		139.00	
NEENAH-MENASHA SEWERAGE COMMISSION	32777	3/8/2012	2012-028	601-1021-543.25-01	82,995.49	March 2012 Wastewater Treatment
		3/8/2012	2012-034	601-1021-543.25-01	30,150.00	March 2012 Interest & Debt
			Total for check: 32777		113,145.49	
NORTH AMERICAN SALT CO	32778	3/8/2012	70798221	100-1006-541.30-18	13,819.08	
		3/8/2012	70798696	100-1006-541.30-18	9,118.00	
			Total for check: 32778		22,937.08	
OFFICE DEPOT	32779	3/8/2012	2404665	100-0903-531.30-10	37.15	Office supplies
				100-0502-522.30-10	9.63	Office supplies
			Total for check: 32779		46.78	
OSI ENVIRONMENTAL INC	32780	3/8/2012	405208	731-1022-541.21-06	50.00	Filters
			Total for check: 32780		50.00	
	32781	3/8/2012	91970	100-0805-521.25-01	275.00	January Lodging
		Total for check: 32781		275.00		
PACKER CITY INTERNATIONAL	32782	3/8/2012	3-220340053	731-1022-541.30-18	16.42	Label

AP Check Register
Check Date: 3/8/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
PACKER CITY INTERNATIONAL...	32782...	3/8/2012	3-220370019	731-1022-541.38-03	242.09	Filter/Fuel Kit/Element
		3/8/2012	3-220370026	731-1022-541.38-03	12.04	Crimp
		3/8/2012	3-220380016	731-1022-541.38-03	10.96	Hydrauli
		3/8/2012	3-220380033	731-1022-541.38-03	57.59	Air Filter
		3/8/2012	3-220390049	731-1022-541.38-03	127.42	Filters/Adapters/Hydrauli
		3/8/2012	3-220390050	731-1022-541.38-03	3.10	Fill Tube Seal
		3/8/2012	3-220400007	731-1022-541.38-03	6.83	Filters
		3/8/2012	3-220460017	731-1022-541.38-03	68.61	Hydraulic
		3/8/2012	3-220460026	731-1022-541.38-03	6.50	Hydraulic
		3/8/2012	3-220510024	731-1022-541.38-03	13.45	Air Filter
			Total for check: 32782	565.01		
POSTAL ANNEX	32783	3/8/2012	185791	100-0801-521.30-11	8.07	Postage
		3/8/2012	186024	100-0801-521.30-11	8.03	Postage
		3/8/2012	186607	100-0801-521.30-11	7.74	Postage
				Total for check: 32783	23.84	
PSS WORLD MEDICAL INC	32784	3/8/2012	81783670	100-0914-531.30-18	61.24	Medical Supplies
				Total for check: 32784	61.24	
RESERVE ACCOUNT	32785	3/8/2012		100-0000-133.00-00	3,773.12	Postage Reserve Funds
				Total for check: 32785	3,773.12	
RIESTERER & SCHNELL INC	32786	3/8/2012	319605	731-1022-541.38-03	150.57	Pins/Cross & Joint Yokes
				Total for check: 32786	150.57	
ROCKET TOWING	32787	3/8/2012		100-0801-521.29-05	125.00	MPD Request 12-228
				Total for check: 32787	125.00	

AP Check Register
Check Date: 3/8/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description	
JA SEXAUER	32788	3/8/2012	261112114	100-0704-552.24-04	2.40	2.40 O Ring	
	Total for check: 32788					2.40	
	32789	3/8/2012	672485-AP	100-0703-553.30-18	110.25	110.25 Aluminum	
Total for check: 32789					110.25		
STAPLES ADVANTAGE	32790	3/8/2012	8021016323	731-1022-541.30-10	17.94	17.94 Office Supplies	
				731-1022-541.30-18	135.36	135.36 Hardwood Mat	
	Total for check: 32790					153.30	
TRAFFTECH INC	32791	3/8/2012	865	100-1008-541.24-04	1,575.00	1,575.00 Diamond Maint Program	
	Total for check: 32791					1,575.00	
	32792	3/8/2012	POLICY 7415P537	733-0206-512.51-07	3,804.00	3,804.00 Boiler/Machinery Policy	
Total for check: 32792					3,804.00		
UNIFIRST CORPORATION	32793	3/8/2012	097 0105352	731-1022-541.20-01	108.17	108.17 Mat/Mop/Clothing	
	Total for check: 32793					108.17	
	32794	3/8/2012	20120308	100-0000-202.09-00	27.48	27.48 PAYROLL SUMMARY	
Total for check: 32794					27.48		
US CELLULAR	32795	3/8/2012	200267787-096	100-0202-512.22-01	35.63	35.63 Captain	
				100-0401-513.22-01	12.05	12.05 Stoffel	
				100-1019-552.22-01	11.20	11.20 Bridges	
				743-0403-513.22-01	184.00	184.00 IT	
				601-1020-543.22-01	5.41	5.41 Confined Space	
				100-1001-514.22-01	63.68	63.68 Alix	
				100-0601-551.22-01	0.10	0.10 Powell	
			100-0801-521.22-01	359.32	359.32 PD		

AP Check Register
Check Date: 3/8/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
US CELLULAR...	32795...	3/8/2012...	200267787-095...	100-0919-531.22-01	38.68	Health
				100-0904-531.22-01	44.86	Drew
				100-1002-541.22-01	88.97	Engineering
				100-0702-552.22-01	30.40	Tungate
				100-0703-553.22-01	134.90	Parks
				100-0304-562.22-01	11.18	Keil
				731-1022-541.22-01	57.34	PWF
			100-1008-541.22-01	5.41	Bursack	
			601-1020-543.22-01	5.41	Sewer Truck	
			Total for check: 32795		1,088.54	
US POSTAL SERVICE	32796	3/8/2012		100-0204-512.30-11	1,076.32	Registered Voter Mailing
				Total for check: 32796	1,076.32	
US VENTURE	32797	3/8/2012	L43680	731-1022-541.21-06	12.00	Sample
				Total for check: 32797	12.00	
VOGELS BUCKMAN APPRAISAL GROUP INC	32798	3/8/2012		209-0703-553.21-09	2,800.00	Appraisal
				Total for check: 32798	2,800.00	
WC INDUSTRIAL SUPPLY COMPANY	32799	3/8/2012	0017073-IN	731-1022-541.38-03	842.68	Flange
				Total for check: 32799	842.68	
WE ENERGIES	32800	3/8/2012		100-1012-541.22-03	2,218.25	Street Lights 1/20/12-2/20/12
				100-0703-553.22-03	37.50	Menasha Conservancy
				Total for check: 32800	2,255.75	
WE ENERGIES	32801	3/8/2012	3830	267-0102-581.22-04	1,021.44	Power Plant
				Total for check: 32801	1,021.44	

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WIL-KIL PEST CONTROL	32802	3/8/2012	1992936	731-1022-541.20-07	64.00	City Garage Contract
			Total for check: 32802		64.00	
WINNEBAGO COUNTY CLERK OF COURTS	32803	3/8/2012		100-0000-201.03-00	150.00	Bond/MEPD 12-554
			Total for check: 32803		150.00	
WISCONSIN SUPPORT COLLECTIONS	32804	3/8/2012	20120308	100-0000-202.03-00	1,740.76	PAYROLL SUMMARY
			Total for check: 32804		1,740.76	
WISCONSIN TAXPAYERS ALLIANCE	32805	3/8/2012		100-0401-513.32-02	13.97	Renewal
			Total for check: 32805		13.97	
					249,995.69	

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Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
ACCURATE	32806	3/15/2012	1202055	731-1022-541.30-18	53.15	Vinyl Tubing/Unitbit
				731-1022-541.38-03	50.44	Vinyl Tubing/Unitbit
		3/15/2012	1202294	731-1022-541.30-18	19.87	Loop Pin
				Total for check: 32806	123.46	
THE ACTIVE NETWORK INC	32807	3/15/2012	4100009190	743-0403-513.24-04	2,622.50	2012 Safari Maint Renewal
				Total for check: 32807	2,622.50	
ADAMSON INDUSTRIES CORP	32808	3/15/2012	108161	100-0801-521.29-05	227.71	Speaker & Bracket
				Total for check: 32808	227.71	
AGCS MARINE INSURANCE COMPANY	32809	3/15/2012	100583	733-0206-512.51-04	3,570.00	Inland Marine
				Total for check: 32809	3,570.00	
APPLETON COMPRESSOR SERVICE &	32810	3/15/2012	0093943-IN	731-1022-541.30-18	42.55	Flex Hose
				Total for check: 32810	42.55	
APPLETON ELECTRONICS SUPPLY LLC	32811	3/15/2012	6137	731-1022-541.24-03	45.00	Timer Relay/E Garage Door
				Total for check: 32811	45.00	
BADGER HIGHWAYS CO INC	32812	3/15/2012	156349	625-1010-541.30-18	82.80	Cold Mix/Broad Street
				Total for check: 32812	82.80	
BAHCALL RUBBER CO INC	32813	3/15/2012	564854-001	731-1022-541.38-03	386.27	Motor
				Total for check: 32813	386.27	
MICHAEL BEST & FRIEDRICH LLP	32814	3/15/2012	1183382	267-0102-581.21-01	680.00	Professional Services Environmental General
				Total for check: 32814	680.00	

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BMI	32815	3/15/2012		100-0702-552.32-01	320.00	Music License
				Total for check: 32815	320.00	
BRUCE MUNICIPAL EQUIPMENT INC	32816	3/15/2012	5120867	731-1022-541.38-03	258.66	Dirt Deflect/Dirt Shoes
		3/15/2012	SB11312	731-1022-541.29-04	588.26	Repair Error Code
			Total for check: 32816		846.92	
BUBRICK'S	32817	3/15/2012	563600	100-0801-521.30-10	34.72	Office Supplies
			Total for check: 32817		34.72	
CDW GOVERNMENT INC	32818	3/15/2012	XDH9837	100-0000-201.02-00	105.56	Replace Power Supply PD
		3/15/2012	XFB4032	100-0000-201.02-00	412.63	Replace PC/PD Evidence Rm
			Total for check: 32818		518.19	
DAVIS & KUELTHAU	32819	3/15/2012	345226	100-0202-512.21-01	955.50	2009-2010 Police Negotial
			Total for check: 32819		955.50	
UNEMPLOYMENT INSURANCE	32820	3/15/2012	000003549051	100-1019-552.15-09	726.00	BRIDGE
				625-1010-541.15-09	645.00	DPW
			Total for check: 32820		1,371.00	
EARTHLINK BUSINESS	32822	3/15/2012		100-0402-513.22-01	6.96	March, 2012
				100-0201-512.22-01	8.12	March, 2012
				100-0000-123.00-00	15.06	March, 2012
				100-0203-512.22-01	13.00	March, 2012
				100-0304-562.22-01	30.66	March, 2012
				100-1001-514.22-01	76.52	March, 2012
				100-0401-513.22-01	32.15	March, 2012
				731-1022-541.22-01	27.71	March, 2012
				100-0903-531.22-01	49.54	March, 2012
				743-0403-513.22-01	15.82	March, 2012

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EARTHLINK BUSINESS...	32822...	3/15/2012...	...	100-0601-551.22-01	173.76	March, 2012
				100-0101-511.22-01	11.11	March, 2012
				100-0702-552.22-01	31.56	March, 2012
				100-0703-553.22-01	48.67	March, 2012
				100-0202-512.22-01	13.64	March, 2012
				100-0801-521.22-01	264.30	March, 2012
				100-1002-541.22-01	43.83	March, 2012
				100-0920-531.22-01	17.66	March, 2012
				100-1008-541.22-01	3.62	March, 2012
				100-0502-522.22-01	42.40	March, 2012
			207-0000-123.00-00	26.98	March, 2012	
			100-0000-123.00-00	302.90	March, 2012	
			Total for check: 32822	1,255.97		
FERRELLGAS	32823	3/15/2012	1062608245	266-1027-543.21-06	47.83	Exchange 33 lb Cylinders
				Total for check: 32823	47.83	
FOX STAMP SIGN & SPECIALTY	32824	3/15/2012	207884	100-0502-522.30-10	11.75	Name Plate
				Total for check: 32824	11.75	
FOX VALLEY TRUCK	32825	3/15/2012	497357	731-1022-541.38-03	43.27	Oil
				Total for check: 32825	43.27	
GAT SUPPLY INC	32826	3/15/2012	00003262	100-1008-541.30-18	141.41	Gas Cans/Core Bit
				601-1020-543.30-18	141.41	Gas Cans/Core Bit
				625-1010-541.30-18	141.43	Gas Cans/Core Bit
				731-1022-541.30-15	212.25	Gas Cans/Core Bit
			Total for check: 32826	636.50		
GRAINGER INC	32827	3/15/2012	9757078721	100-0703-553.30-18	64.58	Seal

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GRAINGER INC...	32827...	3/15/2012	9769920274	100-0704-552.24-04	(32.34)	Credit/Replacement Screen
			Total for check: 32827			32.24
GUNTA & REAK SC	32828	3/15/2012	6695/GUETHS	733-0206-512.21-01	10.25	Gueths vs Menasha
			Total for check: 32828			10.25
HOME DEPOT CREDIT SERVICES	32829	3/15/2012	5031674	100-0703-553.30-18	26.70	Organizers/Washer
		3/15/2012	5095109	731-1022-541.24-03	58.87	Entry Lever
		3/15/2012	7034972	100-0703-553.24-03	85.71	Brushes/50' Hsky/Ties
		3/15/2012	9030051	100-0703-553.24-03	35.49	Plates/CPVC
		3/15/2012	9031267	100-0704-552.24-03	27.67	Spray Paint/Cloth/PVC
		3/15/2012	9032324	100-0801-521.24-03	87.05	Panning/Collars/Screws
			Total for check: 32829			321.49
HOTSY CLEANING SYSTEMS INC	32830	3/15/2012	0078415-IN	731-1022-541.30-18	345.00	Panel Wash
			Total for check: 32830			345.00
INDEPENDENT INSPECTIONS LTD	32831	3/15/2012	305768	100-0301-523.21-06	12,892.74	February 2012 Permits
			Total for check: 32831			12,892.74
IPMA-HR	32832	3/15/2012	24179945	100-0801-521.21-06	180.00	Lt Process Exams
			Total for check: 32832			180.00
STEWART JACKSON	32833	3/15/2012		743-0403-513.33-01	21.60	February, 2012 Expenses
			Total for check: 32833			21.60
JOHN'S SAW SERVICE	32834	3/15/2012	8679	731-1022-541.38-03	185.68	Autocut Line/Edger Blades
			Total for check: 32834			185.68

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KANN MANUFACTURING CORP	32835	3/15/2012	22760	731-1022-541.38-03	883.45	Coil/Cylinder
				Total for check: 32835	883.45	
KITZ & PFEIL INC	32839	3/15/2012	012309-0014	100-0703-553.24-03	15.81	Filters/Cork Board
		3/15/2012	012414-0007	100-0702-552.30-18	4.50	Key
		3/15/2012	012414-0020	100-0704-552.24-03	5.72	Miscellaneous Hardware
		3/15/2012	012514-0001	100-0703-553.30-18	21.10	Enamel & Primer
		3/15/2012	012514-0082	100-0703-553.30-18	1.43	Screw Eye
		3/15/2012	012614-0022	100-1001-514.30-15	5.39	Wood Spade Bit
		3/15/2012	012614-0029	100-0703-553.30-18	6.64	Comb Wrench & Wall Anchor
		3/15/2012	012614-0095	100-0601-551.30-13	22.98	Batteries Towel Dispenser
		3/15/2012	012714-0011	100-0703-553.24-03	9.52	Snap Blade/Lock Washer
		3/15/2012	013014-0010	100-0703-553.30-18	12.00	Miscellaneous Hardware
		3/15/2012	013014-0099	100-0703-553.24-03	3.59	Adapter
		3/15/2012	013114-0022	601-1020-543.30-18	9.35	Nipples for Jetter Heads
		3/15/2012	013114-0023	100-0703-553.30-18	5.39	Primer Spray
		3/15/2012	013114-0066	100-0704-552.24-03	13.48	Safety Hasps
		3/15/2012	013114-0080	100-0703-553.24-03	12.03	Adapter/Washer/Blade
		3/15/2012	020214-0088	731-1022-541.24-03	55.06	Copuling/Tubes/Ball Valve
		3/15/2012	020314-0011	731-1022-541.30-18	11.95	Grab Hooks
		3/15/2012	020314-0012	100-0703-553.30-18	56.54	Bits & Misc Hardware
		3/15/2012	020614-0026	731-1022-541.30-18	6.41	Hardware/Hang Strap
		3/15/2012	020714-0010	100-1001-514.24-03	35.99	COP Tube
		3/15/2012	020714-0022	731-1022-541.30-18	11.05	Nut Setter/Screws
		3/15/2012	020814-0006	731-1022-541.30-18	1.10	Miscellaneous Hardware
		3/15/2012	020814-0030	100-0703-553.30-18	7.90	Poplar Dowel/4HEX
		3/15/2012	020914-0008	100-0701-533.30-15	125.99	Chainsaw/Ladder/Blower Toro Super Bos
				100-0703-553.30-15	1,151.94	Chainsaw/Ladder/Blower Toro Super Bos
				100-1008-541.30-18	125.99	Chainsaw/Ladder/Blower Toro Super Bos
		3/15/2012	020914-0043	100-0703-553.30-18	10.77	Enamel
		3/15/2012	020914-0095	100-0703-553.30-18	20.30	Dowels & Poly Glue
		3/15/2012	020914-0116	100-1001-514.24-03	7.64	Finish Nails
		3/15/2012	021014-0008	100-0703-553.24-03	24.92	Elbows/Cable Saw/Misc
		3/15/2012	021014-0027	100-0704-552.24-04	31.56	Miscellaneous Hardware

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KITZ & PFEIL INC...	32839...	3/15/2012	021314-0006	100-0703-553.30-18	14.99	Enamel & Primer
			021314-0053	100-0703-553.24-03	24.79	Elbows/Clip/Brush/Solder
			021414-0005	100-0703-553.30-18	11.73	Rivet/Misc Hardware
			021414-0022	100-0601-551.24-03	14.39	Anchor Cement
				100-1001-514.30-13	6.81	Tape
				731-1022-541.30-18	9.00	Single-Sided Key
				100-0703-553.30-18	9.24	Deck Screws/Misc Hardware
				100-1001-514.24-03	12.92	Pipe/PVC Cement/Primer
				100-1001-514.24-03	14.39	Anchor Cement
				100-1001-514.24-03	1.34	Adapter
				100-1001-514.24-03	9.60	Bits/Foam Pipe Insulation
				100-0703-553.30-18	98.04	Snadpaper/Lock Nuts/Screw
				207-0707-552.30-18	4.50	Miscellaneous Hardware
				100-0703-553.30-18	9.67	Poplar Dowels
	731-1022-541.30-18	5.39	Safety Hasp			
	100-0703-553.30-18	6.99	U-Bolt/Nut			
	100-0703-553.30-18	3.10	Miscellaneous Hardware			
	100-0703-553.30-18	0.20	Miscellaneous Hardware			
		Total for check: 32839		2,091.13		
LORETTA KJEMHUS	32840	3/15/2012		100-0903-531.33-01	29.88	Jan & Feb Mileage
					Total for check: 32840	29.88
JANE KRUEGER	32841	3/15/2012		100-0702-552.30-18	26.45	Dance Supplies Reimburse
					Total for check: 32841	26.45
KUNDINGER FLUID POWER INC	32842	3/15/2012	50173465	731-1022-541.38-03	16.01	Female Adapter
			50173975	731-1022-541.38-03	137.26	Pipe/Coupler/Hose
					Total for check: 32842	153.27

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MANAWA TELEPHONE CO	32843	3/15/2012		743-0403-513.22-01	39.95	Internet Service	
				Total for check: 32843	39.95		
MATTHEWS TIRE & SERVICE CENTER	32844	3/15/2012	42079	731-1022-541.38-02	1,661.96	Replace Tires	
			42103	731-1022-541.38-02	531.87	Flat Repair/Tires	
			Total for check: 32844	2,193.83			
MENARDS-APPLETON EAST	32845	3/15/2012	17006	100-0920-531.24-03	31.46	Basement Floor Epoxy/ Sen Ctr	
				100-1008-541.24-03	10.49	Basement Floor Epoxy Sign Shop	
			17094	266-1027-543.30-18	31.98	Sewer Wyes	
			18586	100-1001-514.24-03	136.76	Waterproof Paint/Epoxy City Hall	
Total for check: 32845	210.69						
MENASHA JOINT SCHOOL DISTRICT	32846	3/15/2012	MOBILE HOME	100-0000-412.00-00	6,153.07	March Mobile Home	
			Total for check: 32846	6,153.07			
MENASHA UTILITIES	32847	3/15/2012		100-1001-514.22-03	15.90	901 Airport Road	
				100-1001-514.22-05	12.11	901 Airport Road	
				100-1001-514.22-06	6.25	901 Airport Road	
				100-0801-521.22-03	17.24	430 First Street	
				731-1022-541.22-06	62.50	981 Plank Road	
			3854	601-1021-543.25-01	14,872.73	January 2012	Sewer Charge
			3855	625-0401-513.25-01	810.72	January 2012	Storm Water
			BILLING 3	100-1008-541.22-03	921.94	Electric	
				100-1008-541.22-05	40.70	water/Sewer	
				601-1020-543.22-03	24.42	Electric	
				100-0704-552.22-03	202.76	Electric	
				100-0704-552.22-05	388.00	Water/Sewer	
	731-1022-541.22-03	2,045.61	Electric				
	731-1022-541.22-05	974.38	Water/Sewer				
	731-1022-541.22-06	767.50	Storm				
	266-1028-543.22-06	73.13	Storm				

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MENASHA UTILITIES...	32847...	3/15/2012...	BILLING 3...	100-0801-521.22-03	1,449.95	Electric
				100-0801-521.22-05	247.98	Water/Sewer
				100-0801-521.22-06	62.72	Storm
				100-0000-123.00-00	1,049.97	Electric
				100-0000-123.00-00	179.58	Water/Sewer
				100-0000-123.00-00	45.41	Storm
				100-0601-551.22-03	3,353.08	Electric
				100-0601-551.22-05	412.40	Water/Sewer
				100-0601-551.22-06	103.75	Storm
				100-1019-552.22-03	477.07	Electric
100-1019-552.22-05	12.11	Water/Sewer				
100-0000-123.00-00	8.89	Electric				
100-0703-553.22-03	1,320.70	Electric				
100-0703-553.22-06	280.64	Storm				
100-0305-562.22-06	7.50	Storm				
Total for check: 32847					30,247.64	
MENASHA UTILITIES	32848	3/15/2012	267-0102-581.22-03	2,451.25	Interdepartmental Sales	February
			267-0102-581.22-05	185.44	Interdepartmental Sales	February
Total for check: 32848					2,636.69	
MIDWEST LAMP RECYCLING INC	32849	3/15/2012	19035	100-0601-551.24-03	116.19	Batteries/Ballasts
			100-1001-514.20-01	42.46	Batteries/Ballasts	
			100-0501-522.24-03	6.02	Batteries/Ballasts	
			100-0801-521.24-03	5.29	Batteries/Ballasts	
			100-1008-541.30-18	73.34	Batteries/Ballasts	
Total for check: 32849					243.30	
MTAW	32850	3/15/2012	100-0401-513.32-01	80.00	Dues	
Total for check: 32850					80.00	
N&M AUTO SUPPLY	32851	3/15/2012	394073	731-1022-541.30-18	28.57	Shop Supplies

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N&M AUTO SUPPLY ...	32851...	3/15/2012	394305	731-1022-541.38-03	11.34	Spark Plugs
		3/15/2012	394597	731-1022-541.38-03	29.88	Spark Plugs
		3/15/2012	394647	731-1022-541.38-03	136.81	Brake Pads & Rotor
		3/15/2012	394763	731-1022-541.38-03	28.61	Air Filter
		3/15/2012	394825	731-1022-541.38-03	25.96	Work Lt
		3/15/2012	394888	731-1022-541.38-03	107.30	Specialty Battery
		3/15/2012	395006	731-1022-541.38-03	26.84	Solder Post Terminal
		3/15/2012	395080	731-1022-541.38-03	(12.00)	Core Deposit
		3/15/2012	395088	731-1022-541.38-03	112.31	ABS Sensors
				Total for check: 32851		495.62
NEENAH-MENASHA MUNICIPAL COURT	32852	3/15/2012		100-0000-201.03-00	202.00	Bond/MEPD 12-34
				100-0000-201.03-00	454.00	Bond/MEPD 11-313
				Total for check: 32852	656.00	
PACKER CITY INTERNATIONAL	32853	3/15/2012	3-220510045	731-1022-541.38-03	165.00	Strobe
		3/15/2012	3-220520029	731-1022-541.30-18	25.58	Fluid
		3/15/2012	3-220540064	731-1022-541.38-03	799.63	Filters/Lamp/Tuff
		3/15/2012	3-220540086	731-1022-541.38-03	30.55	Supplies
		3/15/2012	3-220550019	731-1022-541.38-03	4.85	Clamp
				Total for check: 32853	1,025.61	
PIGGLY WIGGLY MIDWEST LLC	32854	3/15/2012		100-0918-531.30-18	43.81	
				Total for check: 32854	43.81	
PLAK SMACKER	32855	3/15/2012	A11351	100-0909-531.30-18	214.94	Disposable Toothbrushes
				Total for check: 32855	214.94	
DENISE QUICK	32856	3/15/2012		100-1001-514.33-01	15.30	February Mileage
				Total for check: 32856	15.30	

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SANOFI PASTEUR INC	32857	3/15/2012	99481378	100-0903-531.30-18	204.22	Tubersol Tests/Rulers
				Total for check: 32857	204.22	
HENRY SCHEIN INC	32858	3/15/2012	3293202-01	100-0909-531.30-18	418.33	Crest Cavity Protect
				Total for check: 32858	418.33	
J A SEXAUER	32859	3/15/2012	260995337	100-0703-553.24-03	1,787.59	Keys/Locks
				Total for check: 32859	1,787.59	
SHERWIN-WILLIAMS CO	32860	3/15/2012	9230-3	100-0920-531.24-03	110.37	Senior Center Act Room
				Total for check: 32860	110.37	
STAPLES ADVANTAGE	32861	3/15/2012	8021078407	100-0702-552.30-10	4.70	Office Supplies
				100-0304-562.30-10	4.70	Office Supplies
				100-1002-541.30-10	33.29	Office Supplies
				100-1001-514.30-10	19.46	Office Supplies
Total for check: 32861	62.15					
STEPP EQUIPMENT COMPANY	32862	3/15/2012	741401	731-1022-541.38-03	300.38	Wheel Gide Travel Cover Pin/Snap Ring
				Total for check: 32862	300.38	
SUBWAY	32863	3/15/2012		100-0918-531.30-18	112.00	Lunch for Table Top
				Total for check: 32863	112.00	
TRI-COUNTY OVERHEAD DOOR INC	32864	3/15/2012	28670	731-1022-541.24-03	471.25	Maint Garage East Door
				28687	1,200.00	Motion Detectors/E Garage
				Total for check: 32864	1,671.25	

AP Check Register
Check Date: 3/15/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description		
UNIFIRST CORPORATION	32865	3/15/2012	097 0106857	731-1022-541.20-01	107.35	Mat/Mop/Clothing		
				Total for check: 32865	107.35			
VERIZON WIRELESS	32866	3/15/2012	2705951406	743-0403-513.24-04	399.96	Monthly Charges		
				Total for check: 32866	399.96			
WAVERLY SANITARY DISTRICT	32867	3/15/2012		100-0703-553.22-05	42.09	Menasha Conservancy		
				Total for check: 32867	42.09			
WC INDUSTRIAL SUPPLY COMPANY	32868	3/15/2012	0017127-IN	731-1022-541.38-03	9.36	Belt		
				Total for check: 32868	9.36			
WE ENERGIES	32869	3/15/2012		100-1008-541.22-04	8.83	City Garage		
				100-0903-531.22-04	61.25	Health Department		
				100-0701-533.22-03	7.99	North Street, Neenah		
				100-0701-533.22-03	7.47	North Street, Neenah		
				Total for check: 32869	85.54			
WINNEBAGO COUNTY CLERK OF COURTS	32870	3/15/2012		100-0000-201.03-00	150.00	Bond/MEPD 12-618		
				100-0000-201.03-00	150.00	Bond/MEPD 12-653		
				100-0000-201.03-00	285.00	Bond/MEPD 12-639		
				100-0000-201.03-00	285.00	Bond/MEPD 12-639		
				100-0000-201.03-00	235.00	Bond/MEPD 12-643		
Total for check: 32870	1,105.00							
WINNEBAGO COUNTY TREASURER	32871	3/15/2012	2616	100-0805-521.25-01	1,183.58	Jail Lodging		
				3/15/2012	LF118250	100-1016-543.25-01	9,415.68	Residential
					100-1017-543.25-01	3,087.36	Residential	

AP Check Register
Check Date: 3/15/2012

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
WINNEBAGO COUNTY TREASURER...	32871...	3/15/2012	LF118310	266-1027-543.25-01	415.40	Recycling/Feb, 2012
			Total for check: 32871		<u>14,102.02</u>	
	32872	3/15/2012	ATS LOAN	310-0409-571.61-01	5,893.92	ATS Loan
				310-0410-571.61-02	3,240.77	ATS Loan
			Total for check: 32872		<u>9,134.69</u>	
YORKSHIRE PROPERTIES LLC	32873	3/15/2012		100-0000-441.14-00	5.00	320 First St
				100-0000-441.13-00	83.45	320 First St
			Total for check: 32873		<u>88.45</u>	Recycle Fee Additional Refuse Fee
ZARNOTH BRUSH WORKS INC	32874	3/15/2012	0137533-IN	625-1005-541.30-15	395.00	Broom Refill
			Total for check: 32874		<u>395.00</u>	
						<u>105,387.32</u>

ORDINANCE O-3-12
SUBSTITUTE AMENDMENT #1

AN ORDINANCE AMENDING SECTION 11-1-1 OF THE MUNICIPAL CODE –
OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE
(TRESPASSING)

INTRODUCED BY ALDERMAN TAYLOR

The Common Council of the City of Menasha does hereby ordain as follows:

SECTION 1: Amend Title 11, Chapter 1, SEC.11-1-1 of the Code of Ordinances of the City of Menasha, Wisconsin as follows:

CHAPTER 1

State Statutes Adopted

SEC. 11-1-1 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE.

The following statutes defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the City provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provisions of this Code of Ordinances. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code.

...

<u>943.13</u>	<u>Trespass to lands.</u>
<u>943.14</u>	<u>Trespass to dwellings.</u>
<u>943.15</u>	<u>Entry onto a construction site or into a locked building, dwelling or room</u>

SECTION 2: This amending Ordinance shall take effect upon passage and publication as provided by law.

Passed and approved this day of 2012.

Donald Merkes, Mayor

ATTEST:

Deborah A. Galeazzi, City Clerk

RESOLUTION R-5-12

A PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS UNDER SECTION 66.0703, WISCONSIN STATUTES

Introduced by Alderman Taylor

RESOLVED, by the Common Council of the City of Menasha, Wisconsin:

1. The Common Council hereby declares its intention to exercise its powers under Section 66.0703, Wisconsin Statutes, to levy special assessments upon property within the following described area for benefits conferred upon such property by improvement of the following:

- A. Improvements
 - 1. Concrete Curb & Gutter Construction
 - 2. 4" Asphaltic Concrete Pavement Construction
 - 3. Various Associated Items

- B. Location of Improvements
 - 1. Kelly Lake Drive
 - 2. Kernan Avenue Fronting Woodland Hills Subdivision Lots 8-16, 18-28

2. The total amount assessed against such improvements shall not exceed the total cost of the improvements. The Common Council determines that such improvements shall be made under the police power, and the amount assessed against each parcel shall be on a cost per front foot, area, or unit cost basis.

3. That the assessment against any parcel shall be paid in accordance with Section 3-2-14 of the Menasha Municipal Code.

4. The Board of Public Works is directed to compile a report consisting of:

- A. Plans and Specifications of said improvements
- B. A summary of the allotted cost of the said improvements
- C. A schedule of proposed assessments showing the properties which are benefited by the improvement

Upon completing such report, the Board of Public Works is directed to file a copy thereof in the City Clerk's Office for public inspection.

5. Upon receiving the report of the Board of Public Works, the City Clerk is directed to give notice of a public hearing on such report as specified in Section 66.0703(7)(a), Wisconsin Statutes. The hearing shall be held in the Council Chambers at the City Hall at a time set by the City Clerk in accordance with Section 66.0703(7)(a), Wisconsin Statutes.

6. The notice and hearing requirements under paragraph 5 do not apply if they are waived, in writing, by all the owners of property affected by the special assessment, as specified in Section 66.0703(7)(b), Wisconsin Statutes.

Passed and approved this day of , 2012.

Donald Merkes, Mayor

Attest: _____
Deborah A. Galeazzi, City Clerk

RESOLUTION R-8-12

**AUTHORIZED REPRESENTATIVE RESOLUTION
ENVIRONMENTAL IMPROVEMENT FUND**

A RESOLUTION AUTHORIZING A REPRESENTATIVE OF THE CITY OF MENASHA
TO FILE APPLICATIONS FOR FINANCIAL ASSISTANCE FROM THE
STATE OF WISCONSIN ENVIRONMENTAL IMPROVEMENT FUND

INTRODUCED BY MAYOR MERKES

WHEREAS, it is the desire of the City of Menasha, Wisconsin, a Municipal Corporation, to file several Applications for State Financial Assistance for the construction of the Neenah-Menasha Sewerage Commission Equipment Procurement and Wastewater Treatment Facilities Modifications Project under the Wisconsin Environmental Improvement Fund (ss. 281.58, 281.60, and 281.61, Wis. Stats.);

WHEREAS, it is necessary to designate a Representative for filing said Applications;

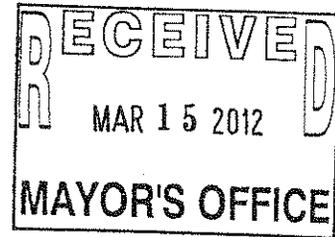
BE IT THEREFORE RESOLVED by the COMMON COUNCIL of the CITY OF MENASHA, WISCONSIN, that the Director of Public Works is hereby appointed as the Authorized Representative for the City of Menasha for the purpose of filing these Applications, and that the Representative is further authorized and empowered to do all things necessary in connection with said Applications.

Approved this _____ day of _____, 2012.

CITY OF MENASHA, WISCONSIN

Donald Merkes, Mayor

Attest: _____
Deborah A. Galeazzi City Clerk



March 8, 2012

Mayor Don Merkes
City Of Menasha
140 Main Street
Menasha, WI 54952

Re: Neenah Menasha Sewerage Commission
Distribution Of Clean Water Fund Borrowing
Equipment Procurement & Facilities Modification Project
McM. No. N0008-910101.21

Dear Mayor Merkes:

It is anticipated that the Clean Water Fund (CWF) Financial Assistance Application will be submitted to the Department Of Natural Resources (DNR) in early June 2012. We have been working with Tom Stoffel and other Member Communities to obtain the information needed to compile the Application. As part of the Application process, each Member Community needs to adopt an Authorized Representative Resolution. This Resolution authorizes an official to sign the CWF Application, and does not obligate the City to borrowing funds at this time. At a later date, the City Council will need to approve the borrowing package. A copy of a sample Authorized Representative Resolution is attached.

The CWF Application being prepared at this time is for the Equipment Procurement and Facilities Modification projects, and does not include the Biosolids Storage Building. The location of the Biosolids Storage Building is still being negotiated, and it is likely that a separate Application will be submitted for the Storage Building in the future.

As you know, the Neenah-Menasha Sewerage Commission (NMSC) cannot obtain a CWF Loan directly because the DNR will only issue loans to municipalities. Therefore, each Member Community will have to take out a CWF Loan for a portion of the project. In addition, the DNR cannot issue a loan to Sonoco (U.S. Paper Mills Corp.), which is a Contracted Industrial User of NMSC, so the portion of the loan associated with Sonoco needs to be distributed to the Member Communities. Each member, including the Contracted Industrial User, will be responsible for paying off the overall loan based on the Member's actual usage of the Wastewater Treatment Facilities.

Page 2
March 8, 2012

Mayor Don Merkes
City Of Menasha

The NMSC Commissioners have decided that the borrowing will be distributed between the Member Communities based on their 2011 usage of the facilities. The portion of the loan attributable to the Contracted Industrial User will also be distributed to the Member Communities based on the community's usage of the facilities. Table #1 summarizes the distribution of the CWF borrowing.

At this time, it is requested that the City of Menasha Common Council adopt the enclosed Authorized Representative Resolution. Please return one copy of the signed Resolution to my attention.

Thank you for your consideration of this request and, if there are questions or if additional information is needed, please feel free to contact me.

Very truly yours,

McMAHON



Amy J. Vaclavik, P.E., BCEE
Associate / Senior Project Engineer

AJV:smdt

cc: Tom Stoffel - City of Menasha
Raymond Zielinski, Commissioner - NMSC
Kathy Bauer, Commissioner - NMSC
Randy Much - NMSC

Enclosure: Authorized Representative Resolution

REVISED Table #1

DISTRIBUTION OF BORROWING FOR CLEAN WATER FUND (CWF)

NEENAH-MENASHA SEWERAGE COMMISSION
Wastewater Treatment Facilities Modifications
& Equipment Procurement Project

Revised: March 12, 2012
McM. No. N0008-910101.21

Borrowing is to be distributed based on 2011 Plant usage.
The Contracted Industrial User portion of borrowing is to be distributed to all
Member Communities based on Plant usage.

	2011 Total Usage	Municipal Member Usage	Borrowing Distribution ⁽¹⁾	Projected Borrowing ⁽²⁾
City Of Neenah	42.45%	42.45%	51.53%	\$10,166,921
City Of Menasha	23.28%	23.28%	28.26%	\$5,575,726
Town Of Neenah Sanitary Dist. #2	1.08%	1.08%	1.31%	\$258,464
Town Of Menasha Utility Dist.	12.47%	12.47%	15.14%	\$2,987,137
Waverly Sanitary District	3.10%	3.10%	3.76%	\$741,852
Contracted Industrial User (U.S. Paper Mills Corp.)	17.62%			
	\$100%	82.38%	100.00%	\$19,730,100

- (1) **Borrowing Distribution** is calculated by dividing Municipal Member Usage by 82.38% to distribute the Contracted Industrial User portion to the Member Communities.
- (2) **Projected Borrowing** is based on the Project Summary, dated September 12, 2011, and does not include the Biosolids Storage Building. Project Summary = \$19,730,100.
Project Summary will be updated when Plans and Specifications are completed.

Sud - 3-7-12 @ 3:15 PM
By - R. Metzger / A.M.S

NOTICE OF INJURY AND CIRCUMSTANCES OF CLAIM
PURSUANT TO WIS. STAT. § 893.80(1)(a)

TO: City of Menasha
Don Merkes, Mayor
City Hall
140 Main Street
Menasha, WI 54952-3151

City of Menasha
Debbie Galeazzi, City Clerk
City Hall
140 Main Street
Menasha, WI 54952-3151

Don Merkes, individually
City Hall
140 Main Street
Menasha, WI 54952-3151

Chris Klein
730 Keyes Street
Menasha, WI 54952

Michael Taylor
545 Broad Street
Menasha, WI 54952

Stan Sevenich
645 Ninth Street
Menasha, WI 54952

Mark Langdon
724 Warsaw Street
Menasha, WI 54952

Jim Englebert
1209 Greendale Street
Menasha, WI 54952

Kevin Benner
1190 Fieldview Drive
Menasha, WI 54952

THE ABOVE-NAMED PARTIES, PLEASE TAKE NOTICE: By Attorney Andrew J. Rossmeyssl, attorney of the Herrling Clark Law Firm Ltd., on behalf of the Claimants named below, the following Notice of Injury and Circumstances of Claim, is hereby provided, pursuant to Wis. Stats. § 893.80(1)(a).

CLAIMANTS. The name and address of the Claimants, with claims for damages or alternative relief set forth in this Notice or a subsequent Notice stating a Claim for Damages, are Celine Romenesko, N9598 County N, Appleton, WI 54915, and Rick Kindschi, W6058 Hearthstone Drive, Appleton, WI 54915 (Romenesko and Kindschi shall collectively be referred to herein as the "Petitioners") and the Town of Harrison, Calumet County, Wisconsin, with the principal location of business located at W5298 Hwy. 114, Menasha, WI 54952.

INJURY AND CIRCUMSTANCES. The above-named Claimants hereby set forth their injuries, and circumstances of their claim:

1. That, Celine Romenesko is an adult resident of the State of Wisconsin residing at N9598 County N, Appleton, WI 54915.

RECEIVED

MAR 7 2012

CITY OF MENASHA
BY af

2. That, Rick Kindschi is an adult resident of the State of Wisconsin residing at W6058 Hearthstone Drive, Appleton, WI 54915.
3. That, Romenesko and Kindschi are representatives of the Petitioners in Calumet County Circuit Court Case No. 12-CV-28, regarding a Petition to Incorporate a portion of the Town of Harrison and the Town of Buchanan as the Village of Harrison.
4. That, Town of Harrison is a Wisconsin township and body politic with principal place of business located at W5298 Hwy. 114, Menasha, WI 54952, and is located 100% within Calumet County, Wisconsin.
5. That, the City of Menasha is a Wisconsin body corporate and politic, with principal offices located at 140 Main Street, Menasha, WI 54952-3151.
6. That, Don Merkes, is an adult resident of the State of Wisconsin.
7. That, Chris Klein, Michael Taylor, Stan Sevenich, Mark Langdon, Jim Englebert, and Kevin Benner are members of the Common Council of the City of Menasha who voted in favor of a certain resolution described herein; namely Resolution R-3-12
8. That, the City of Menasha and the Town of Harrison and third-party Waverly Sanitary District entered into an Intergovernmental Agreement, a copy of which is attached hereto as **Exhibit A** to this Notice, on or about October 28, 1999.
9. That, paragraph 5 of said Intergovernmental Agreement states, in pertinent part:

“The City shall not accept for annexation any property within the Town growth area without the approval of the Harrison Town Board. The parties agree that this paragraph may be used as the sole basis for a Court determination regarding the invalidity of any annexation by the City within the Town’s growth area. The City shall not exercise any extraterritorial zoning or extraterritorial plat review over any property within the Town’s growth area.”
10. That, paragraph 10 of said Intergovernmental Agreement states, in pertinent part:

“The City shall not contest any attempt by the Town to incorporate so long as all the territory of the incorporation effort is outside the City’s growth area. The Town agrees that it will stipulate that any incorporation filed contrary to this paragraph does not meet the criteria of sec. 66.016 Wis. Stats.”
11. That, paragraph 16.d. of said Intergovernmental Agreement states, in pertinent part:

"The Agreement imposes a duty of good faith and fair dealing on all parties."

12. That, paragraph 16.e. of said Intergovernmental Agreement states, in pertinent part:

"This Agreement is the complete agreement of the parties with respect to the matters covered by this Agreement. No agreements, promises, nor representations made by either party during the negotiations for or approval of this agreement shall be binding or effective unless included. The negotiating parties agree that each of them shall recommend this agreement to the City Council, the Town Board, and Waverly Sanitary Board for approval. The negotiating parties agree further that each of them shall support and promote this agreement to any other entity, public or private that is affected by, or needs to approve any issue necessary to carry out the intent of this agreement.
13. That, paragraph 16.i. of said Intergovernmental Agreement states, in pertinent part:

"This Agreement shall be liberally construed to accomplish its intent. The parties agree that each has been involved in the drafting of this Agreement so that no ambiguity shall be held against either party simply as drafter.
14. That, the terms of said Intergovernmental Agreement extends from October 28, 1999 through September 1, 2029.
15. That, the City of Menasha generally complied with the terms of said Intergovernmental Agreement from its inception until 2011.
16. That, upon information and belief, Mayor Don Merkes and/or members of the Common Council began discussions with officers, employees, and/or agents of the City of Kaukauna in late 2011 or early 2012, the subject of such discussions included taking action which would effectively breach the afore-referenced terms of the Intergovernmental Agreement.
17. That, upon information and belief, internal discussions involving Mayor Don Merkes, the Common Council, staff members and employees, and the City Attorney ensued whereby, those parties contemplated taking action which would breach the afore-referenced terms of said Intergovernmental Agreement.
18. That, on or about February 23, 2012, the City of Menasha posted an "Agenda Amended" attached hereto as **Exhibit B**, containing, in pertinent part, the following discussion/action items:

- 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 advise concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. (Intermunicipal Agreement with Town of Harrison, Menasha and Waverly Sanitary District; Case #12-CV-28 In the Matter of Incorporation of portions of lands comprising the Town of Harrison, Calumet County and the Town of Buchanan, Outagamie County)
 - Reconvene into Open Session
 - Discussion of the Petition for the Incorporation of the Village of Harrison and possible action.
 - Resolution indicating a willingness to annex the territory designated in the Incorporation Petition (Town of Harrison)
19. That, personnel appeared on behalf of the Town of Harrison and the Petitioners at a public comment session prior to a Special Common Council meeting scheduled for February 24, 2012, the purpose of said appearance was to object to any resolution indicating a willingness to annex territory purposed for incorporation within the Town of Harrison on the basis that any such resolution would violate key terms of the Intergovernmental Agreement referenced herein.
 20. That, members of the Common Council, staff, Mayor Don Merkes, and the City of Menasha City Attorney met in closed session.
 21. That, following said closed session, the Common Council reconvened in open session and adopted Resolution R-3-12, attached hereto as **Exhibit C**.
 22. That, the purpose and effect of said resolution was to either 1) initiate proceedings to annex territory contrary to paragraph 5 of the Intergovernmental Agreement, or 2) to interfere with a Town-sponsored Petition for Incorporation, currently pending in Calumet County Circuit Court Case No. 12-CV-28, contrary to key terms of the Intergovernmental Agreement referenced herein.
 23. That, in either case, the City of Menasha, Don Merkes, Chris Klein, Michael Taylor, Stan Sevenich, Mark Langdon, Jim Englebert, and Kevin Benner have taken steps to breach the Intergovernmental Agreement, causing the Petitioners and the Town of Harrison present and future damages, to be specified in a future Notice of Claim.
 24. That, the full extent of said damages cannot be ascertained at this time, but said damages will include, and not be limited to, actual attorneys' fees expended in contesting said breach and in addressing complications that arised as a result of said breach in Calumet County Circuit Court Case No. 12-CV-28, actual damages stemming from complications that have or will arise in Calumet County Circuit Court Case No. 12-CV-28, potential lost revenue as a result of said proposed

annexation of territory outside of the Town Growth Area as referenced in the Intergovernmental Agreement, and other actual damages.

25. That, the City of Menasha, Don Merkes, Chris Klein, Michael Taylor, Stan Sevenich, Mark Langdon, Jim Englebert, and Kevin Benner, knew or should have known that their actions would breach key terms of the Intergovernmental Agreement and cause the Petitioners and the Town of Harrison irrevocable damage; accordingly, said breach and said damages were knowingly caused by the City of Menasha, Mayor Don Merkes, and the Common Council.
26. That, accordingly, the Claimants are also entitled to punitive damages.
27. That, although Don Merkes neither voted to adopt nor voted to reject Resolution R-3-12, upon information and belief Don Merkes encouraged the Common Council to vote for Resolution R-3-12, in violation of the Intergovernmental Agreement, for his own benefit and for the perceived benefit of the City of Menasha, and thus Don Merkes intentionally interfered with the contractual relations between the City of Menasha and the Town of Harrison and the Petitioners.

Dated this 6th day of March, 2012.

HERRLING CLARK LAW FIRM LTD.,
Attorneys for Claimants

By: 
Andrew J. Rossmeissl, Attorney

ADDRESS:
800 N. Lynndale Drive
Appleton, WI 54914
(920) 882-3219

INTERMUNICIPAL AGREEMENT

1. Preamble

The Town of Harrison (Town), the City of Menasha (City), and the Waverly Sanitary District (Waverly) pursuant to ss. 66.027, 66.30 and 66.028 Wis. Stats., desire to enter into an Intermunicipal Agreement in order to:

- A. Establish fixed boundaries;
- B. Facilitate orderly development of the Town and the City;
- C. Eliminate current and minimize future litigation;
- D. Provide for cost effective governmental services to citizens of the Town and City;
- E. Maximize capacity of current infrastructure for sewer and water service;
- F. Promote harmony between the municipalities.

The Town and the City desire to enter into an agreement pursuant to s. 66.023 Wis. Stats. to formalize boundaries between the municipalities. This agreement is intended to be an interim agreement until such time as the s. 66.023 agreement is enacted.

2. Boundaries

The eastern boundary line shall be fixed to run from the intersection of Manitowoc and Lake Park Road southerly to the intersection of Lake Park Road and STH114 - US10. The southern boundary line shall run from the intersection of Lake Park Road and STH114 - US10 westerly to the intersection of Oneida Street and STH114 - US10. The western boundary line shall run along Oneida Street from the intersection of Oneida Street and STH114 - US10 to the intersection of Midway Road and Oneida Street. The northern boundary shall run from the intersection of Midway Road and Oneida Street easterly along Midway Road to Kernan Avenue, then south along Kernan Avenue to Manitowoc Road, then easterly along Manitowoc Road to Lake Park Road.

The Town territory within the boundary described shall be designated as an area within which the City may annex without Town objection. This area shall be designated the City growth area.

The territory east of Lake Park Road shall be designated the Town growth area. The City shall not accept any petition for annexation for any territory east of Lake Park Road.

A map will be prepared as Exhibit "A" and incorporated into this Agreement.

EXHIBIT A.

3. Residents Within the City Growth Area

Property owned by a Town resident who also resides on such property within the City growth area may be included in an annexation petition accepted by the City except as is limited below. The City agrees that it will not include in any annexation petition any part of property which was actively being farmed as of April 1, 1999 (except for property owned by Gordon Van De Hey which is being purchased by the City) unless such property owner resident signs the petition for annexation. It is understood that any and all property owned by a resident active farmer as of April 1, 1999 shall not be included in any annexation petition. These are the farms owned and operated by Jeffrey Wisnet, James Bodway, and John Bartlein. Should any of these farms no longer be actively farmed by the resident owner, the City may include any of that land in any annexation petition. For purposes of this paragraph, a property is not actively farmed if no crops are harvested for two consecutive growing seasons on the tillable land, or the property owner has certified to the City and the Town a valid agricultural reason for the land to remain unplanted for longer than two consecutive growing seasons. The City may also include in an annexation petition land at the intersection of Oneida Street and US10 - STH114 currently being developed as a gas station. The City will honor any permits or plats which have been issued or approved prior to April 1, 1999.

The Town will not contest nor finance any objection to any annexation petition filed consistent with this agreement. No property owner is obligated to sign an annexation petition unless that land is being developed.

The City may annex without objection from the Town, any occupied property within the City growth area, except occupied property as of April 1, 1999 in what is known as the Stacker plat, the Green Acres Pond plat (Ribble), the Cottonwood Creek plat, and the Cottonwood Creek II plat, the Hoffman Estates plat and the farms referred to above. No such annexation may occur except at such time as the current owner sells the property to other than an immediate family member. For purposes of this agreement, immediate family means husband, wife, son, daughter, stepson or stepdaughter. The City may annex any property within the City growth area whose owner signs a petition for annexation.

Any resident owner may replace or remodel his/her existing residence pursuant to Town regulations. No new additional residences may be constructed without the consent of the City.

With respect to the Stacker plat, Hoffman Estates plat, Cottonwood Creek plat, and the Cottonwood Creek II plat, the City shall not accept any annexation petitions unless they are unanimous consent annexation petitions.

Attached as Exhibit "B" and made part of this agreement by reference is the perimeter boundaries and/or descriptions of the Stacker plat, Hoffman Estates plat, Cottonwood Creek plat, Cottonwood Creek II plat and the Green Acres Pond Plat.

4. **Unimproved Property Within the City Growth Area**

To the extent allowed by law, the Town will not allow the development of any land within the City growth area except single and two family dwellings may be constructed on lots of record as of April 1, 1999. Development shall include the issuance of any building permit, rezoning consideration, vacation request or any other action requiring the approval of the Town of Harrison Planning Commission or Town Board. The Town shall notify the City of applications to construct or develop single family or two-family homes on lots of record as of April 1, 1999.

The Waverly Sanitary District shall not allow any connections to sanitary sewer or water service within the City growth area except for single and two family development on lots of record as of April 1, 1999. Should any property owner wish to develop or build in any manner which is not consistent with this provision, the Town shall advise that that property owner should file a petition with the City to annex the property.

The City agrees to indemnify and hold the Town and Waverly Sanitary District harmless in the event a Court of record imposes damages as a result of the obligations imposed by this section 4.

5. **Town Growth Area**

The City shall not accept for annexation any property within the Town growth area without the approval of the Harrison Town Board. The parties agree that this paragraph may be used as the sole basis for a Court determination regarding the invalidity of any annexation by the City within the Town's growth area. The City shall not exercise any extraterritorial zoning or extraterritorial plat review over any property within the Town's growth area.

6. **Sanitary Sewer Planning Area**

All development in the Sanitary Sewer Planning Area as established by East Central Regional Planning Commission shall require hook-up to public sanitary sewer systems connected to the Neenah-Menasha Sewerage System. No on-site waste disposal systems shall be allowed or approved, except as replacements for existing on-site waste disposal systems which have been designated as a failing system by the Calumet County Sanitarian. The Town and the City shall cooperate to expand the Sanitary Sewer Service Area so as to accommodate the intent of this Agreement. Such cooperation shall include a direct request for an initial expansion of the Sewer Service Area so as to provide an opportunity for immediate growth as well as a change in policy which would allow for automatic expansion of the sewer service area upon achieving a predetermined level of growth in the Sewer Service Area.

Neither the Town nor the Waverly Sanitary District may petition East Central Regional Planning Commission to include within the Sanitary Sewer Service Area any property within the City growth area without annexation to the City or the consent of the City.

Neither the Town nor Waverly Sanitary District may extend the Waverly Sanitary District within the City growth area.

A Memorandum of Understanding relating to expansion of the Neenah/Menasha Sewer Service Area and extension of sewer and water facilities is attached as Exhibit "C" and made part of this agreement by reference.

7. **Engineering Study of Sanitary Sewer System**

An engineering study has been prepared by Omni Engineering which establishes a plan for the installation of sanitary sewer service to areas within the City and Town growth areas. The City and the Town agree that option A, attached as Exhibit A, will be the basis for this service expansion with the parties sharing in the actual costs of construction according to the percentages of territory to be served by this expansion. The parties further agree that this expansion will take place during the 2000 construction season and that arrangements will be made in the respective budgets of the Town and the City to pay for this expansion. Upon completion of the system, the system will be turned over to the Waverly Sanitary District for operation.

The Waverly Sanitary District shall be responsible to bid the project design and construction. Upon receiving invoices, the City and Town will pay such invoices to Waverly based upon monthly-billed documentation. The share of the total project will be as determined by the Omni study. The City and Town shall have the right to review bidding documents and contract document before award and construction.

8. **Large Sewer Users**

The Town or the City shall provide notice to the other when considering for approval any plans, building permit requests, CSM's or plats filed for any large user of the sewer system. A large user will be any user whose discharge is greater than 5000 gallons/day. Any capacity used by a large user shall be allocated to the capacity of the municipality in which the user is located.

9. **Waverly Sanitary District**

The Town and the City agree that any infrastructure necessary for water or sanitary service shall be installed at the expense of the benefiting municipality and shall then be turned over to the Waverly Sanitary District for operation and maintenance. Neither the Town nor the City shall make any attempt to dissolve and take over the Waverly Sanitary District without the consent of the Waverly Sanitary District and each other. Any

extensions to the sanitary or water service system shall follow Waverly Sanitary District procedures.

If necessary due to capacity issues with the current force main/gravity sewer connections to Sanitary District No. 4, the City of Menasha agrees to allow a future forced main connection from joint lift station to its 15" sanitary sewer in STH 114 west of Melissa street provided adequate capacity exists in such sewer. Waverly Sanitary District must exercise its current option to use excess capacity pursuant to its agreement with Sanitary District No. 4.

The Town shall obtain the consent of the Waverly Sanitary District to this Agreement.

10. **Town Incorporation**

The City shall not contest any attempt by the Town to incorporate so long as all the territory of the incorporation effort is outside the City's growth area. The Town agrees that it will stipulate that any incorporation filed contrary to this paragraph does not meet the criteria of sec. 66.016 Wis. Stats.

11. **Joint Planning**

The parties agree to work in good faith on issues of joint planning. In addition, the parties shall, in the future, work together to provide the necessary public services to the residents of both municipalities. A joint planning committee comprised of three City members and three Town members shall be established to make recommendations to the City's Planning Commission and Common Council and to the Town Board on issues of joint planning. Any disputes will be settled by mediation by an agreed upon third party.

12. **Curtin Annexation**

Upon execution of this agreement, the Town will dismiss its claims in the lawsuit challenging the Curtin annexation, Town of Harrison and Carlton A. Wieckert v. City of Menasha, 97 CV 100. The Town shall also not finance any continuation of this lawsuit by Carlton A. Wieckert or any other third party.

13. **Amendments**

This agreement may be amended from time to time by mutual agreement. No amendments shall be valid until such time as the amendments are authorized by the governing bodies of the City of Menasha and the Town of Harrison and executed in writing. The Town and the City agree that each shall entertain any requests for amendments by the other and make a decision as to the amendment within 90 days of the receipt of the notice of the request for the amendment.

14. Notices

All notices required by this agreement must be served personally, or by certified mail upon the respective municipal clerks. All petitions for annexation shall be forwarded from the party receiving it to the other party as soon as possible.

16. Miscellaneous

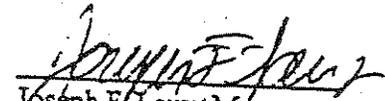
- a. It is contemplated that the municipalities will rely on ss. 66.30, 66.027 and 66.028 Wis. Stats., as statutory authority for this Boundary Agreement. The agreement shall be binding upon future Town Boards and City Councils and shall remain in effect until the enactment of a s. 66.023 Wis. Stats. agreement. Should such s. 66.023 agreement not be enacted, this agreement shall be extended until September 1, 2029. This Agreement may be extended by the approval of the City Common Council and the Town Board at any time. It is the intent of the parties that no statutory amendments, changes in the forms of government of the Town or the City nor changes in the elected officials shall affect the enforceability of the agreement.
- b. This Agreement is intended to be solely between the Town, the City and the Waverly Sanitary District. Nothing in this Agreement accords any third party any legal or equitable right, whatsoever which may be enforced by any non-party to this Agreement. Waverly Sanitary District shall approve of this agreement.
- c. If any portion of this Agreement is deemed to be invalid or unconstitutional, it shall not invalidate the balance of the Agreement not affected by that determination.
- d. The Agreement imposes a duty of good faith and fair dealing on all parties.
- e. This Agreement is the complete agreement of the parties with respect to the matters covered by this Agreement. No agreements, promises, nor representations made by either party during the negotiations for or approval of this agreement shall be binding or effective unless included. The negotiating parties agree that each of them shall recommend this agreement to the City Council, the Town Board, and Waverly Sanitary Board for approval. The negotiating parties agree further that each of them shall support and promote this agreement to any other entity, public or private that is affected by, or needs to approve any issue necessary to carry out the intent of this agreement.
- f. Either party without objection in any action to enforce the terms of this Agreement may enter this Agreement into evidence.
- g. The failure of any party to require strict compliance with any provision of this Agreement shall not constitute a waiver of the provisions of the Agreement nor any of the parties' rights under this Agreement. Rights and obligations under this agreement may only be waived or modified in writing signed by the party waiving that right or

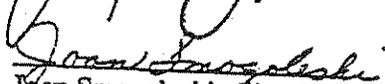
obligation. Waiver or modification of one term will not constitute a waiver of any other term.

- h. The City will construct its share of Carpenter Street during the 1999 construction season unless cost prohibitive. In that event, it will be constructed during the 2000 construction season.
- i. This Agreement shall be liberally construed to accomplish its intent. The parties agree that each has been involved in the drafting of this Agreement so that no ambiguity shall be held against either party simply as drafter.
- j. The parties agree that any unresolved dispute will be submitted to a mediator prior to either party instituting any legal action concerning this agreement.

Dated this 28th day of Oct, 1999.

CITY OF MENASHA:


Joseph F. Lantz, Mayor

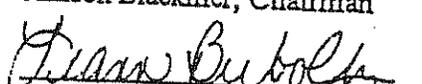

Joan Smogoleski, City Clerk

Approved as to form:

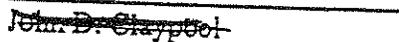

Jeffrey S. Brandt

TOWN OF HARRISON:

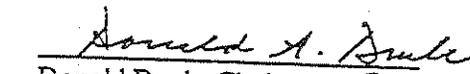

Allison Blackmer, Chairman

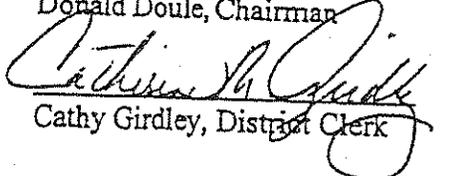

Leann Buboltz, Adm. Coord.
Deputy Clerk

Approved as to form:


~~John D. Skypet~~

WAVERLY SANITARY DISTRICT:


Donald Doule, Chairman


Cathy Girdley, District Clerk

Approved as to form:

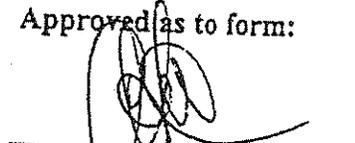
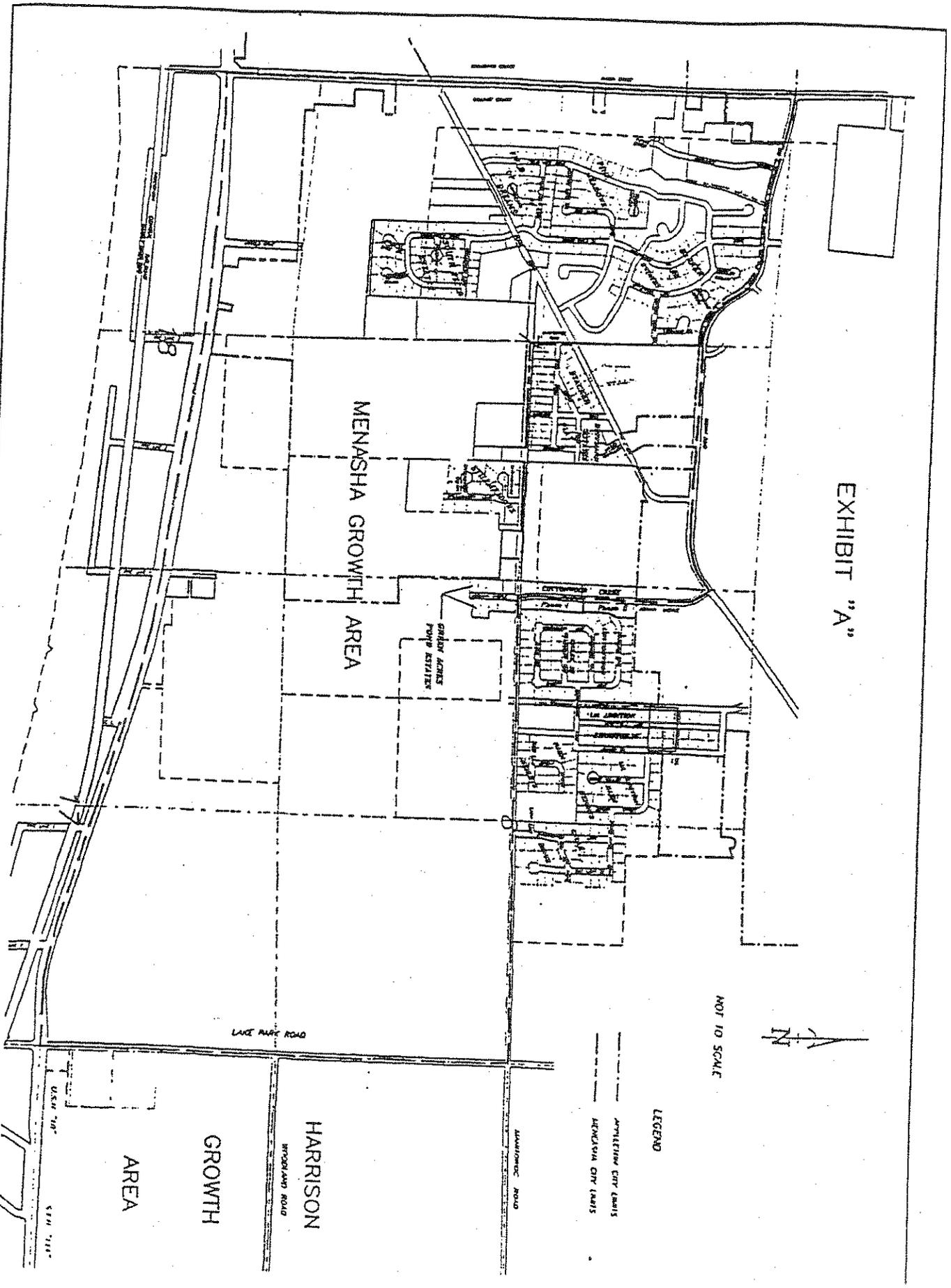

Charles J. Hartzheim

EXHIBIT "A"



MENASHA GROWTH AREA

GROWTH

AREA

HARRISON

GROWTH

LACE PARK ROAD

NOT TO SCALE

LEGEND

APPLICABLE CITY LIMITS
MENASHA CITY LIMITS

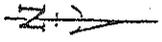


EXHIBIT B

Stacker Plat

SW ¼, NE ¼, Section 7, T20N, R18E, Town of Harrison

Green Acres Pond plat

Part of the West ½ of the NW ¼, Section 8, T20N, R18E, Town of Harrison,
Calumet County, Wisconsin

Hoffman Estates

Lot 2 of Certified Survey Map 1728 being Part of Lot 5 of Block 2 of Stacker Plat,
located in the Southwest ¼ of the Northeast ¼ of Section 7, Township 20 North,
Range 18 East, Town of Harrison, Calumet County, WI

Cottonwood Creek

All of C.S.M. 1624 and part of the Southwest ¼ of the Northwest ¼ of Section 8,
Township 20 North, Range 18 East, Town of Harrison, Calumet County,
Wisconsin

Cottonwood Creek II

Part of the Southwest ¼ of the Northwest ¼ of Section 8, Township 20 North,
Range 18 East, Town of Harrison, Calumet County, Wisconsin

EXHIBIT "C"
Memorandum of Understanding

This memorandum is entered into between the City of Menasha, Town of Harrison, Waverly Sanitary District and the East Central Wisconsin Regional Planning Commission's Regional Development Committee (RDC). This agreement is subject to the approval of the Wisconsin Department of Natural Resources on the the original swap amendment.

WHEREAS the City of Menasha, Town of Harrison, and Waverly Sanitary District have cooperated in the design of major sanitary sewer system improvements to service development in the vicinity of Lake Park Road and STH 10/114, and;

WHEREAS major investments will be required to extend the backbone sanitary sewer system to service the projected growth areas and;

WHEREAS the East Central Wisconsin Regional Planning Commission is the designated sewer service area planning agency for the subject area, and;

WHEREAS the Regional Development Committee takes actions and makes advisory recommendations to the WDNR on sewer service area amendments, and;

WHEREAS the amount of developable acreage currently within this portion of the Neenah/Menasha Sewer Service Area boundary would not be capable of supporting the costs of the necessary system improvements;

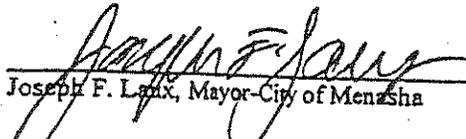
NOW, THEREFORE BE IT RESOLVED that the East Central Wisconsin Regional Planning Commission's Regional Development Committee will support and recommend to the WDNR approval of a future request from the Waverly Sanitary District to add an additional 105.8 total acres of land, of which 91.2 acres are vacant, to the Neenah/Menasha Sewer Service Area, shown as Area #4 per the attached map;

BE IT FURTHER RESOLVED that the addition of Area #4 acres will be subject to Area #2 being developed to a point which meets or exceeds 50% of its total land area.

BE IT FURTHER RESOLVED that the addition of Area #4 will still be subject to WDNR review and certification once advisory recommendations are acted upon by the Regional Development Committee.

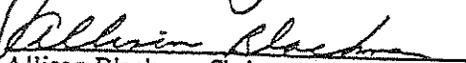
BE IT FURTHER RESOLVED that this agreement will expire on January 1, 2002 or once the East Central Wisconsin Regional Planning Commission initiates a 5-year update of the Neenah/Menasha Sewer Service Area Plan.

BE IT FURTHER RESOLVED that the City of Menasha and the Town of Harrison will support such an amendment;



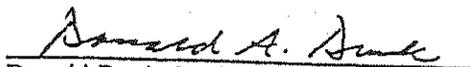
Joseph F. Lutz, Mayor - City of Menasha

Date: 10-28-99



Allison Blackmer, Chairperson - Town of Harrison

Date: 10-28-99



Donald Doule, President - Waverly Sanitary District

Date: 10-28-99

Donald DeGroot, Chair - ECWRPC Regional Development Committee

Date: _____

Harlan Kiesow, Director - East Central Wisconsin RPC

Date: _____

It is expected that a Quorum of the Personnel Committee, Board of Public Works, and Administration Committee will be attending this meeting: (although it is not expected that any official action of any of those bodies will be taken)

**CITY OF MENASHA
Special Common Council
Third Floor Council Chambers
140 Main Street, Menasha
February 24, 2012
4:00 PM
AGENDA
AMENDED**

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL/EXCUSED ABSENCES
- D. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA
(five (5) minutes time limit for each person)
- E. DISCUSSION/ACTION ITEMS
 1. 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 advise concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. (Intermunicipal Agreement with Town of Harrison, Menasha and Waverly Sanitary District; Case #12-CV-28 In the Matter of Incorporation of portions of lands comprising the Town of Harrison, Calumet County and the Town of Buchanan, Outagamie County)
 2. Reconvene into Open Session
 3. Discussion of the Petition for the Incorporation of the Village of Harrison and possible action
 4. Resolution indicating a willingness to annex the territory designated in the Incorporation Petition (Town of Harrison)
- G. ADJOURNMENT

"Menasha is committed to its diverse population. Our Non-English speaking population and those with disabilities are invited to contact the Menasha City Clerk at 967-3603 24-hours in advance of the meeting for the City to arrange special accommodations."

EXHIBIT B

Resolution R-3-12

A Resolution Relating to the Annexation of Territory
Proposed for Incorporation as the Village of Harrison

WHEREAS: A Petition for Incorporation of a portion of the Town of Harrison, Calumet County, and the Town of Buchanan, Outagamie County as the Village of Harrison has been filed with the Circuit Court of Calumet County, and;

WHEREAS: Such territory is described in Attachment A, and;

WHEREAS: Portions of such territory are coterminous with the City of Menasha, and;

WHEREAS: The City of Menasha finds the incorporation of this territory to be contrary to the interests of the city and the metropolitan area as it will result in the duplication of municipal facilities and services, and;

WHEREAS: The City of Menasha has the capacity to serve the area proposed for incorporation as the Village of Harrison.

NOW THEREFORE BE IT RESOLVED: That the City of Menasha hereby declares its willingness to annex the territory described in the incorporation petition, and;

BE IT FURTHER RESOLVED: That this resolution be filed at or prior to the hearing on the incorporation petition, or any adjournment for this purpose granted by the court.

Passed and approved this day of , 2012.

Donald Merkes, Mayor

Deborah A. Galeazzi, City Clerk

EXHIBIT C

ATTACHMENT

A

LEGAL DESCRIPTION

All of Section 2 and Part of Sections 1, 3, 9, 10, 15 & 16, Township 20 North, Range 18 East, Town of Harrison, Calumet County, and Part of Sections 32, 33, 34 & 35, Township 21 North, Range 18 East, Town of Buchanan, Outagamie County, Wisconsin and described as follows:

Beginning at the Intersection of the North line of the Northeast 1/4 said Section 1 and the Northerly extension of the East right-of-way line of Prosperity Drive; Thence S00°06'12"E, 1,430.04 feet along the extended East right-of-way line of Prosperity Drive; Thence S14°24'54"W, 159.56 feet; Thence S00°06'12"E, 1198.88 feet along the extended East right-of-way line of Prosperity Drive to the South line of Northeast 1/4 of said Section 1; Thence N89°36'44"W, 40.00 feet along the South line of Northeast 1/4 of said Section 1 to the Center 1/4 corner of said Section 1; Thence N89°47'05"W, 2,610.34 feet along the South line of the Northwest 1/4 of said Section 1 to the West 1/4 corner of said Section 1; Thence S00°21'02"W, 2,619.04 feet along the West line of the Southwest 1/4 of said Section 1 to the Southwest corner of said Section 1; Thence N88°21'50"W, 2,621.64 feet along the South line of the Southeast 1/4 of said Section 2 to the South 1/4 corner of said Section 2; Thence S89°16'59"W, 2,598.23 feet along the South line of the Southwest 1/4 of said Section 2 to the Southwest corner of said Section 2; Thence S00°00'43"E, 2,629.36 feet along the West line of the Northeast 1/4 of said Section 10 to the East 1/4 corner of said Section 10; Thence S00°38'14"W, 2,624.20 feet along the West line of the Southeast 1/4 of said Section 10 to the Southeast corner of said Section 10; Thence S00°48'35"W, 455.07 feet along the East line of the Northeast 1/4 of said Section 15 to the Centerline of U.S. Highway 10; Thence 3,460.26 feet along the centerline of said U.S. Highway 10 to the Center 1/4 corner of Section 15; Thence N89°11'31"W, 2,624.13 feet along the South line of the Northwest 1/4 of said Section 15 to the West 1/4 corner of said Section 15; Thence N89°46'10"W, 2,614.42 feet along the South line of the Northeast 1/4 of said Section 16 to the Center 1/4 corner of said Section 16; Thence N89°49'56"W, 2,636.03 feet along the South line of the Northwest 1/4 of said Section 16 to the West 1/4 corner of said Section 16 and the Southerly Extension of the City of Menasha Corporate Boundary; Thence N00°36'55"E, 2,634.16 feet along the City of Menasha Corporate Boundary, it's Southerly Extension and the West line of the Northwest 1/4 of said Section 16 to the Northwest corner of said Section 16; Thence N00°38'30"E, 2,595.58 feet along the City of Menasha Corporate Boundary and the West line of the Southwest 1/4 of said Section 9 to the Westerly extension of the South right-of-way line of Manitowoc Road (mapped 80 foot right-of-way); Thence Easterly, 2,620.66 feet along the South right-of-way line of Manitowoc Road and it's Westerly extension to the East line of the Southwest 1/4 of said Section 9; Thence Easterly, 2,659.35 feet along the South right-of-way line of Manitowoc Road and it's Easterly extension to the East right-of-way line of Coop Road (66 foot wide road per City of Appleton Corporate Boundary) Thence N00°25'44"E, 40.00 feet along the East right-of-way line of Coop Road to the centerline of said Coop Road; Thence N00°30'00"E, 2,626.90 feet along the East right-of-way line of Coop Road to the North line of the Northwest 1/4 of said Section 10; Thence N00°22'54"E, 5,078.87 feet along the City of Appleton Corporate Boundary, it's Northerly extension and along the East right-of-way line of Coop Road to the Easterly extension of the South line of Loma Lane; Thence N00°31'53"E, 32.95 feet along the City of Appleton Corporate Boundary and the East right-of-way line of Coop Road; Thence S89°15'59"E, 7.00 feet along the City of Appleton Corporate Boundary and the East right-of-way line of Coop Road; Thence N00°31'53"E, 203.05 feet along the City of Appleton Corporate Boundary and the East right-of-way line of Coop Road to a vision corner in the Southeast corner of Calumet Street and Coop Road; Thence N45°38'06"E, 70.56 feet along the City of Appleton Corporate Boundary and said vision corner to the South right-of-way line of Calumet Street; Thence N08°58'34"W, 133.89 feet along the City of Appleton Corporate Boundary to the North right-of-way line of Calumet Street; Thence Easterly, 13,029 feet more or less along the North right-of-way line of Calumet Street (C.T.H. KK) through the intersecting Streets to the Northerly extension of the East line of the Northwest 1/4 of said Section 1; Thence South, 50.00 feet to the North 1/4 corner of said Section 1 and the Point of Beginning.

Total area of described parcel is 3,003 acres more or less.

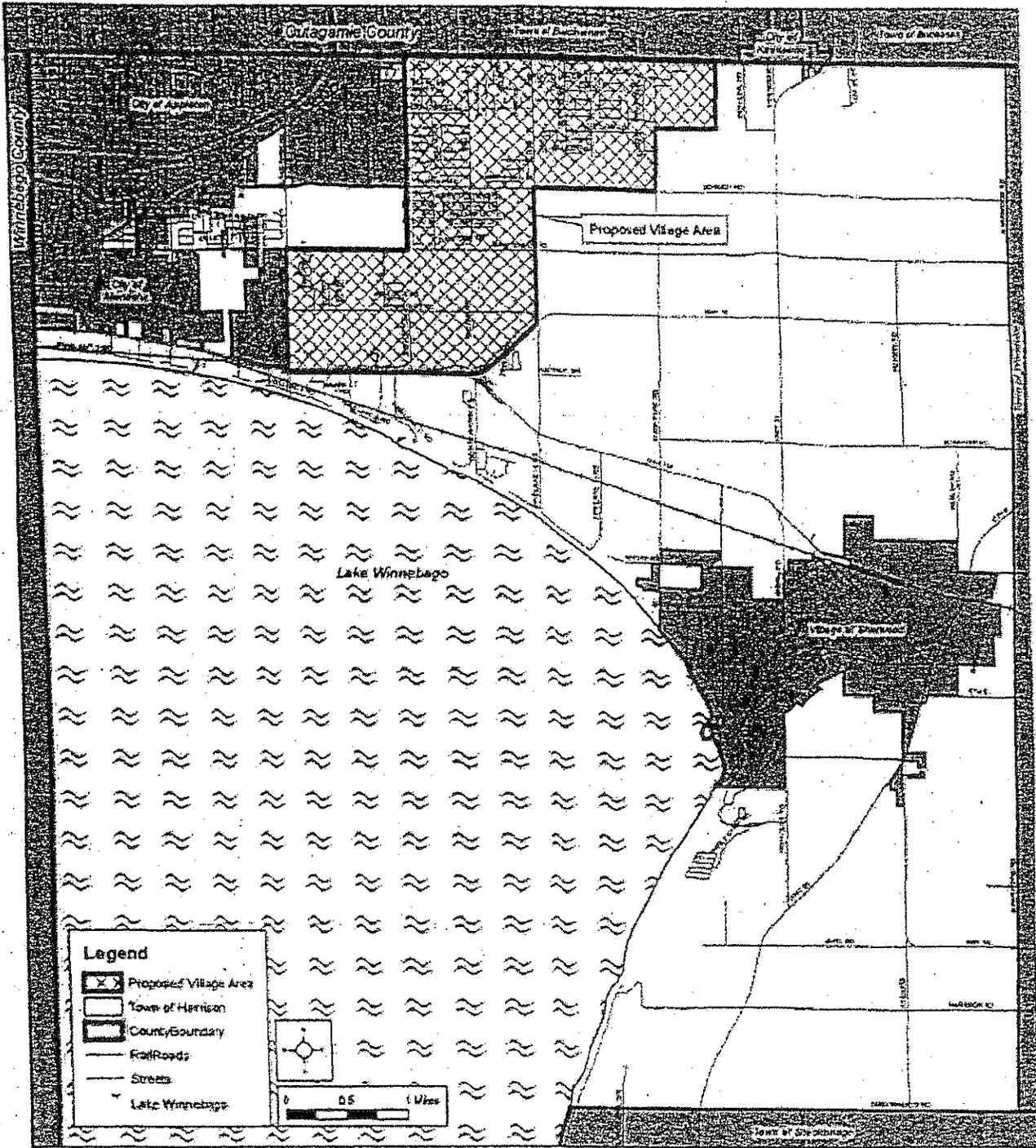


EXHIBIT 1