

**CITY OF MENASHA  
SPECIAL COMMON COUNCIL  
Third Floor Council Chambers  
140 Main Street, Menasha  
Wednesday, May 21, 2014  
6:00 PM  
MINUTES**

A. CALL TO ORDER at 6:01 p.m.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Sevenich, Langdon, Keehan, Zelinski, Benner, Nichols, Taylor

EXCUSED: Alderman Englebert

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, Deputy Clerk Strauss

D. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

No one spoke.

E. ACTION ITEMS

1. General discussion concerning the sale and Development Agreement of the 198 River Street Plant and the failure of Aeris Energy to sign an agreement. Christine Sohns, an original owner of Simply Incredible Foods, proposes to purchase and develop the property.

Motion to go into Closed Session pursuant to Wis. Stats. §19.85(1)(e): Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. (Purchase and Development Agreement for Sale of 198 River Street Power Plant (Steam Plant).

Moved by Taylor, seconded by Langdon.

Motion carried by roll call 7-0.

Motion by Ald Sevenich to reconvene into Open Session. Seconded by Langdon. Motion carried by voice vote.

OPEN SESSION

Motion by Ald. Sevenich, seconded by Ald. Keehan to rescind the approval of the Purchase and Development Agreement for the sale of 198 River Street Power Plant (Steam Plant) to Aeris Energy, LLC. Motion carried by roll call 7-0.

General discussion with Sohns and Smith concerning the Purchase and Development Agreement with Sohns.

Motion of Ald. Keehan, seconded by Ald. Sevenich to approve the Purchase and Development Agreement with Christine Sohns for the 198 River Street Power Plant in accordance with her proposal dated May 21, 2014, adding to the Right of Access an insurance and hold harmless requirement.

Motion carried by roll call 7-0.

2. Motion by Ald. Taylor, seconded by Ald. Keehan to go 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 (City of Menasha vs. Waverly Sanitary District et al. Calumet County Case No. 13-CV-189).

Motion carried on voice vote.

Moved by Ald. Taylor, seconded by Ald. Keehan to reconvene into Open Session to act on what was discussed in Closed Session.

Motion carried by voice count.

#### OPEN SESSION

Moved by Ald. Benner seconded by Ald. Keehan authorizing to proceed with the Appeal for City of Menasha vs. Waverly Sanitary District et al. Calumet County Case No. 13-CV-189.  
Motion carried on roll call 7-0.

#### F. ADJOURNMENT

Moved by Taylor, seconded by Keehan to adjourn at 8:06 p.m.  
Motion carried on voice vote.

Respectfully submitted by Susan M. Strauss, Deputy City Clerk.