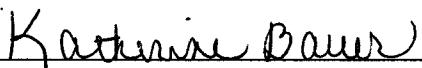


Motion made by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 9:05 a.m.


President


Secretary

NEENAH-MENASHA SEWERAGE COMMISSION

Regular Meeting

Tuesday January 27, 2009

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

Present: Commissioners R. Zielinski, D. Youngquist, T. Hamblin, K. Bauer, W. Helein, G. Falck, W. Zelinski; Manager Much, Accountant Voigt.

Also Present: Mike Sambs (Waverly); Paul Much, Jim Peichl (MCO).

Minutes from the meeting of December 23, 2008; Commissioner G. Falck requested to amend the minutes under Correspondence, item D to add the word Menasha before Deputy Clerk to further clarify the community. Motion made by Commissioner R. Zielinski, seconded by Commissioner G. Falck to approve the minutes of the Regular Meeting of December 23, 2008 as amended. Motion carried unanimously.

Correspondence

The following correspondence was discussed:

E. December 27, 2008 letter from Robin Coburn, Town of Neenah to the NMSC.
RE: Appointment of Gordon Falck as Commissioner on the NMSC.

Budget, Finance, Personnel

Accountant Voigt presented the preliminary financial statements for the month of December 2008. The auditors will be here February 9-10 to begin the financial audit of 2008. After discussion, motion made by Commission D. Youngquist, seconded by Commissioner R. Zielinski to accept the financial statement for the month of December and place it on file. Motion carried unanimously.

Accountant Voigt presented MCO Invoice #13263 in the amount of \$120,451.17 for the month of February 2009. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner G. Falck to approve MCO Invoice #13263 in the amount of \$120,451.17 for the month of February 2009 and to pay the invoice after February 1. Motion carried unanimously.

Accountant Voigt presented the Accountants Report for the month of December. The money market rates have continued to go down. Income generated for the Commission by MCO in December totaled \$3,700; for 2008 the total is \$31,900. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to accept the Accountants Report for the month of December 2008. Motion carried unanimously.

McMahon Invoices #44583 and #44584 were presented for payment. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to approve for payment McMahon Invoices #44583 and #44584. Motion carried unanimously.

Operations, Engineering, Planning

Manager Much presented and discussed the operating report for the month of December 2008. The plant is running well. Manager Much pointed out the graphs attached to the operating report. Commission President W. Zelinski questioned why there was an increase in BOD's in December for all communities. After discussion, motion by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to accept the operating report for the month of December 2008. Motion carried unanimously.

Manager Much presented and discussed NMSC Resolution 2009-1. There are some minor changes to be made to the document provided to the Commissioners. These changes will be made and the

document will be brought to the February meeting for final discussion and approval. It was questioned how will the enforcement work; it will not be by the cities but by the NMSC. Eventually this will be incorporated into the pretreatment rules and regulations. The individual working on the Fats, Oil, and Grease program will also work on the Mercury reduction program.

Manager Much reported there is currently no new information to report regarding the sludge-to-sludge heat exchanger.

Manager Much reported to the Commission on the Biogas engine that is for sale and discussed at the December meeting. Two trips were made to inspect the unit. On the first trip the unit was not operating; the second trip was made when the unit was operating. The unit was very quiet. The engine was made in Germany and modifications have been made to debug the unit. The asking price is \$150,000; they are willing to sell the unit for \$100,000 or possibly for even less. They are selling the unit because they purchased a different unit that is three times larger. This engine is located near Waterloo, Wisconsin; the unit is approximately the same size as the unit we previously had operating. Commissioner G. Falck indicated we should consider performing some type of rebuild with this unit before it is placed into operation. After discussion, motion made by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to authorize the purchase, delivery and installation of the 230kW Biogas CHP not to exceed \$150,000. Motion carried unanimously.

Sewer Extension Request. Manager Much presented a sewer extension request received from Graef, Anhalt, Schloemer & Associates for the PH Glatfelter Mill Site Redevelopment located in the City of Neenah. After discussion, motion made by Commissioner R. Zielinski, seconded by Commissioner G. Falck to approve the sewer extension request for the PH Glatfelter Mill Site Redevelopment. Motion carried unanimously.

Manager Much reported on the status of the Lab Office HVAC Study. The firm providing this study was given the okay to proceed.

Old Business

Interceptor ownership. No new information to report.

Biosolids Management. No new information to report.

Other Business to Legally Come Befor the Commission

Election of Officers. The Commission discussed the officers of the NMSC. After discussion, motion made by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to unanimously re-elect the current slate of officers. Motion carried unanimously. The officers of the NMSC are: President – William Zelinski, Vice-President – Raymond Zielinski, Secretary/Treasurer – Kathy Bauer.

Vouchers

Motion made by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to approve operating and payroll fund vouchers #130734 through #130795 in the amount of \$281,860.26. Motion carried unanimously.

Motion made by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:56 a.m.

President

Secretary

NEENAH-MENASHA SEWERAGE COMMISSION

Regular Meeting

Tuesday February 24, 2009

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

Present: Commissioners R. Zielinski, D. Youngquist, T. Hamblin, K. Bauer, W. Helein, G. Falck, W. Zelinski; Manager Much, Accountant Voigt.

Also Present: Paul Much, Jim Peichl, Rob Franck (MCO).

Motion made by Commissioner R. Zielinski, seconded by Commissioner W. Helein to approve the minutes of the Regular Meeting of January 27, 2009. Motion carried unanimously.

Correspondence

The following correspondence was discussed:

- A. January 26, 2009 letter from Mark Radtke, City of Menasha to Catherine Girdley, Waverly Sanitary District.
RE: Menasha to suspend monthly confirmation testing of Waverly sampling results.

Budget, Finance, Personnel

Accountant Voigt presented the preliminary financial statements for the month of January 2009. The auditors were here on February 9-10 to begin the financial audit of 2008. After discussion, motion made by Commission D. Youngquist, seconded by Commissioner R. Zielinski to accept the financial statements for the month of January and place it on file. Motion carried unanimously.

Accountant Voigt presented MCO Invoice #13343 in the amount of \$113,854.58 for the month of March 2009. Commissioner G. Falck requested to receive additional information on the MCO health insurance plan and the dollar amount of claims paid and amount paid by the NMSC to MCO for the health insurance plan during the last 2 – 3 years. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to approve MCO Invoice #13343 in the amount of \$113,854.58 for the month of March 2009 and to pay the invoice after March 1. Motion carried unanimously.

Accountant Voigt presented the Accountants Report for the month of January. The money market rates have continued to decrease. Income generated for the Commission by MCO in January totaled \$2,647. Commissioner G. Falck inquired about investing in TIPS; Accountant Voigt will look further into these and report back at the March meeting. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner G. Falck to accept the Accountants Report for the month of January 2009. Motion carried unanimously.

McMahon Invoice #44710 was presented for payment. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to approve for payment McMahon Invoice #44710. Motion carried unanimously.

Operations, Engineering, Planning

Manager Much presented and discussed the operating report for the month of January 2009. The plant is running well. After discussion, motion by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to accept the operating report for the month of January 2009. Motion carried unanimously.

Manager Much presented and discussed NMSC Resolution 2009-1. The changes needed to be made to the document that were reported in January have been made. After approval of this resolution, staff will meet with communities to obtain business information and discuss/explain the procedure for issuing permits. After discussion, motion made by Commissioner K. Bauer, seconded by Commissioner D. Youngquist to approve NMSC Resolution 2009-1, a resolution "Promulgating a policy regulating and permitting discharge of animal and vegetable fats, oils, grease, food wastes and related materials". Motion carried unanimously on a roll call vote.

Manager Much reported to the Commission on the Biogas engine that is for sale and authorized for purchase at the January meeting. The engine will be available in April. In discussing the delivery and installation of the engine, Manager Much reported that they will breakdown the engine for delivery; a new slab will need to be poured at the WWTP to place the unit on; larger tanks will be needed for the Siloxane removal; wood chips will be used for sulfide removal; a new tank will be needed for the wood chips; need to look at electrical connections to tie into the electric grid. Based on this addition information obtained, it is felt the total cost for purchase, delivery, and installation will end up being in

the \$200,000 to \$225,000 price range. After discussion, motion made by Commissioner D. Youngquist, seconded by Commissioner G. Falck to approve an increase in the total cost for the purchase, delivery and installation of the 230kW Biogas CHP of an additional \$75,000. The new cost is not to exceed \$225,000. Motion carried unanimously.

Manager Much reported receiving a request for a Co-op student currently enrolled in water/wastewater programs. The co-op student needs to work 80-hours in the water/wastewater industry. This item is budgeted for in the 2009 Budget and the Commission has given prior approval for having co-op students. After discussion, motion made by Commissioner G. Falck, seconded by Commissioner T. Hamblin to approve the co-op student for 80-hours. Motion carried unanimously.

Sewer Extension Request. Manager Much presented a sewer extension request received from Martenson & Eisele, Inc. for Woodland Hills 2nd Addition located in the City of Menasha, Waverly Sanitary District. After discussion, motion made by Commissioner T. Hamblin, seconded by Commissioner W. Helein to approve the sewer extension request for Woodland Hills 2nd Addition. Motion carried unanimously.

Old Business

Interceptor ownership. Commissioner D. Youngquist reported on a Town Utility Commission meeting where they discussed ownership of the Interceptor north of the 9th Street metering station. The Town is in favor of owning this portion of the interceptor sewer. The Town will talk with Menasha officials concerning the interceptor sewers south of the 9th Street metering station.

Biosolids Management. Manager Much reported on talks with Gizmo Farms. They have interest in burning the sludge at the ethanol plant however they are currently unable to obtain loans for the equipment. Gizmo Farms will send a letter addressing our concerns of switching from land application to burning of the sludge. The Oshkosh Treatment Plant has been having trouble scheduling meetings with the City of Oshkosh officials to discuss the biosolids issue. It was questioned what if Gizmo would have problems? What can we do? Manager Much reported the Commission can landfill the sludge. In order to resurrect talks of a regional facility, we would need more interest from other communities. If the NMSC would either purchase land or look at different land for spreading, we would need about 600 acres. More information will be brought to the March meeting.

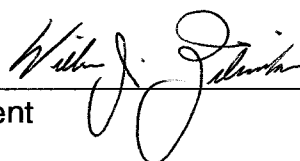
Heat Exchanger. The heat exchanger is currently set up as a test unit. During the testing, the primary sludge and scum lines were removed from the heat exchanger. The unit no longer has grease buildup in the piping. Pricing has been received from Lee's Contracting to add additional piping to the test unit to increase the size of the heat exchanger. The price received is \$41,000. After discussion, motion made by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to approve the installation of additional banks to the heat exchanger by Lee's Contracting at a cost of \$41,000. Motion carried unanimously.

Lab Office – HVAC Study. No information to report at this time.

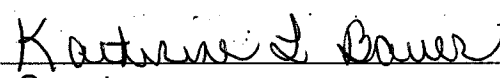
Vouchers

Motion made by Commissioner R. Zielinski, seconded by Commissioner W. Helein to approve operating and payroll fund vouchers #130796 through #130846 in the amount of \$389,199.71 for the month of January. Motion carried unanimously.

Motion made by Commissioner R. Zielinski, seconded by Commissioner T. Hamblin to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 9:00 a.m.



President



Secretary

NEENAH-MENASHA SEWERAGE COMMISSION

Regular Meeting

Tuesday March 24, 2009

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

Present: Commissioners R. Zielinski, D. Youngquist, T. Hamblin, K. Bauer, W. Helein, G. Falck, W. Zielinski; Manager Much, Attorney Gunz, Accountant Voigt.

Also Present: Paul Much, Jim Peichl, Rob Franck (MCO); Chad Olsen (McMAHON).

February 24, 2009 minutes. Commissioner G. Falck requested the minutes of the February 24, 2009 meeting should be amended to include his request for additional health insurance information during the discussion of approving the MCO invoice. Motion made by Commissioner R. Zielinski, seconded by Commissioner T. Hamblin to approve the minutes of the Regular Meeting of February 24, 2009 as amended. Motion carried unanimously.

Correspondence

The following correspondence was discussed:

- B. March 19, 2009 letter from Randall Much, NMSC to Mr. Robert Potratz, Gizmo Farms.
RE: NMSC actions due to overloading sludge spreading on sites.

Manager Much reported a verbal response was received from Bob Potratz on Gizmo Farms. The Commission discussed the issues; we may need to have a meeting with Gizmo Farms, the DNR, and the Commission Attorney. Attorney Gunz will review the sludge hauling and disposal contract with Gizmo Farms. The Commissioners were informed that land spreading of sludge is currently the most cost effective solution in dealing with the sludge disposal.

Budget, Finance, Personnel

Accountant Voigt distributed a Draft Copy of the 2008 Financial Audit to the Commissioners. The audit will be presented and discussed at the April meeting.

Accountant Voigt presented the preliminary financial statements for the month of February 2009. Commissioner D. Youngquist requested that the bills received from Davis & Kuelthau for the Fox River cleanup, which are reimbursed to the Commission by the Cities of Neenah and Menasha should be classified as a prepaid expense to eliminate the effects of having these bills impacting the income statement on a monthly basis. After discussion, motion made by Commissioner D. Youngquist, seconded by Commissioner K. Bauer to accept the financial statements for the month of February and place it on file. Motion carried unanimously.

Accountant Voigt presented MCO Invoice #13405 in the amount of \$118,252.31 for the month of April 2009. Commissioner G. Falck reported he has received the additional information on the MCO health insurance plan and the dollar amount of claims paid and amount paid by the NMSC to MCO for the health insurance plan during the last 2 – 3 years. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to approve MCO Invoice #13405 in the amount of \$118,252.31 for the month of April 2009 and to pay the invoice after April 1. Motion carried unanimously.

Accountant Voigt presented the Accountants Report for the month of February. The money market rates have continued to decrease. Income generated for the Commission by MCO in January totaled \$2,314. Accountant Voigt reported on TIPS investments and also the availability of CEDARS which allow the investment of dollar amounts greater than FDIC insurance levels at a financial institution and still maintain FDIC insurance coverage on the funds. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to accept the Accountants Report for the month of February 2009. Motion carried unanimously.

McMAHON invoices #45095 and #45096 were presented for payment. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner T. Hamblin to approve for payment McMAHON invoices #45095 and #45096. Motion carried unanimously.

Operations, Engineering, Planning

Manager Much presented and discussed the operating report for the month of February 2009. The plant is running well; the plant is being watched closely with the current wet weather being experienced. The final WPDES permit from the DNR has been received; it will be discussed at the April meeting. After discussion, motion by Commissioner R. Zielinski, seconded by Commissioner K. Bauer to accept the operating report for the month of February 2009. Motion carried unanimously.

Manager Much reported to the Commission on the 230kW Biogas engine. The purchase price for the engine has been agreed upon. We are tracking the costs for parts for the engine and components that may be needed on the engine for our application. The engine will be available in April; we are looking at a May or June installation.

Old Business

Interceptor ownership. Attorney Gunz reported he met with Town of Menasha representatives; they have an interest in owning the interceptor located in the Town of Menasha.

Biosolids Management. No new information to report.

Heat Exchanger. The full scale heat exchanger unit has been ordered.

Lab Office – HVAC Study. The report will be available at the April meeting.

Motion to Convene Into Closed Session

Commissioner R. Zielinski made a motion to convene into closed session under Section 19.85(1)(g) and 19.85(1)(e) of the Wisconsin Statutes to confer with legal counsel concerning strategy to be adopted by the NMSC with respect to their joint defense with the Cities of Neenah and Menasha in connection with potential liability arising from the Lower Fox River/Green Bay Natural Resource Damage Assessment, Lower Fox River and Green Bay remediation issues, and related potential litigation and to discuss strategies for negotiations with representatives of the United States of America and the State of Wisconsin on compromise settlement of potential CERCLA liability, indemnification, contribution protection and municipal entities infrastructure concerns with respect to the Lower Fox River/Green Bay AND under Section 19.85(1)(e) of the Wisconsin Statutes to confer with legal counsel for the purpose of deliberating or negotiating the purchase of property regarding sludge land spreading; motion seconded by Commissioner D. Youngquist. Motion carried unanimously. The Commission convened into closed session at 8:55 am.

Commissioner T. Hamblin made a motion to adjourn the closed session and reconvene into Regular open session; motion seconded by Commissioner R. Zielinski. Motion carried unanimously. The Commission returned to Regular open session at 9:47 am.

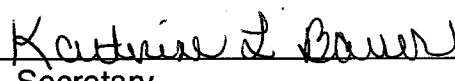
Vouchers

Motion made by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to approve operating and payroll fund vouchers #130847 through #130885 in the amount of \$227,896.60 for the month of February. Motion carried unanimously.

Motion made by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 9:48 a.m.



President



Secretary

NEENAH-MENASHA SEWERAGE COMMISSION

Closed Session **Tuesday March 24, 2009**

Commissioner R. Zielinski made a motion to convene into closed session under Section 19.85(1)(g) and 19.85(1)(e) of the Wisconsin Statutes to confer with legal counsel concerning strategy to be adopted by the NMSC with respect to their joint defense with the Cities of Neenah and Menasha in connection with potential liability arising from the Lower Fox River/Green Bay Natural Resource Damage Assessment, Lower Fox River and Green Bay remediation issues, and related potential litigation and to discuss strategies for negotiations with representatives of the United States of America and the State of Wisconsin on compromise settlement of potential CERCLA liability, indemnification, contribution protection and municipal entities infrastructure concerns with respect to the Lower Fox River/Green Bay AND under Section 19.85(1)(e) of the Wisconsin Statutes to confer with legal counsel for the purpose of deliberating or negotiating the purchase of property regarding sludge land spreading; motion seconded by Commissioner D. Youngquist. Motion carried unanimously. The Commission convened into closed session at 8:55 am.

The Closed Session was called to order by Commission President W. Zielinski at 8:55 a.m.

Present: Commissioners R. Zielinski, T. Hamblin, G. Falck, K. Bauer, W. Helein, D. Youngquist, W. Zielinski; Manager Much, Attorney Gunz, Accountant Voigt.

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

Sludge Disposal – Manager Much reported that they met with City of Oshkosh officials to discuss storage building options with the City of Oshkosh wastewater treatment plant. The impression is they were very supportive of the ideas. Property owners within 1,000 feet of a storage building would need to sign off for acceptance of the project. There is one property owner located within the 1,000 foot range that we could have an issue with. There is the possibility of land becoming available to purchase

west of Oshkosh; Gizmo Farms indicated they could help us to procure these properties. Other storage options would be to look at areas to the east of Menasha or to the west of Neenah, or to purchase one of the buildings from Gizmo Farms. The local DNR representative questioned if the current sludge building was zoned for sludge use or for farm use; this would need to be determined prior to any commitments. It was questioned if we should expand our search for sludge disposal options with McMAHON. Attorney Gunz should search to see if we could buy the building based on the current building zoning.


Chad Olsen left the meeting.

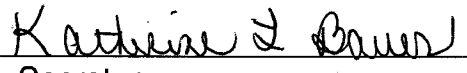
Fox River/PCB Issue – Attorney Gunz reported the U.S. government is involved in the litigation. The government can offer the NMSC contribution settlement protection. Current figures put a cost at around \$36 million total for the NMSC and City of Appleton. 49% of the PCB's have reportedly come through the NMSC and Appleton wwtp's. Both the Appleton and NMSC wwtp's can be carved out for special treatment. The settlement figure of \$36 million is composed of a cash settlement amount and a dollar equivalent for in-kind contributions to provide monitoring and/or testing in the Fox River. The current cleanup process will be a 30-year process and will cost an estimated \$1.5 billion. Appleton is more negative toward the cash contribution amount projected for their community. Litigation is moving forward; depositions are occurring; Attorney Gunz has met with the Cities of Neenah and Menasha councils, they are aware of current litigations and the U.S. Government offer of immunity protection. If we are to settle with contribution protection, we will not have any further exposure. The U.S. Government agency is the Justice Department who is representing the EPA. Commissioner D. Youngquist suggested that settling is worth pursuing.

Commissioner G. Falck excused from the meeting to attend to other business (9:40 am).

The Fish & Wildlife natural resource damage assessment (NRDA) has been totaled at \$250 million. Contribution protection also applies to NRDA.

Commissioner T. Hamblin made a motion to adjourn the closed session and reconvene into Regular open session; motion seconded by Commissioner R. Zielinski. Motion carried unanimously. The Commission returned to Regular open session at 9:47 am.


President


Secretary

NEENAH-MENASHA SEWERAGE COMMISSION

Regular Meeting

Tuesday April 28, 2009

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

Present: Commissioners R. Zielinski, T. Hamblin, K. Bauer, W. Helein, G. Falck, W. Zielinski; Manager Much, Accountant Voigt.

Excused: Commissioner D. Youngquist.

Also Present: Paul Much, Rob Franck (MCO); Mike Sambs (Waverly).

March 24, 2009 minutes. Commissioner T. Hamblin requested the minutes of the March 24, 2009 Closed Session meeting should be amended to correct those listed in attendance; Commissioner J. Jurgenson should be removed and Commissioner T. Hamblin should be added. Motion made by Commissioner R. Zielinski, seconded by Commissioner T. Hamblin to approve the minutes of the Regular Meeting of March 24, 2009 Regular Meeting and the minutes of the March 24, 2009 Closed Session as amended. Motion carried unanimously.

Correspondence

The following correspondence was discussed:

- C. March 24, 2009 letter from Paul Much, MCO to Mr. James Savinski, DNR.
RE: March 24, 2009 bypass of primary splitter box – overflow of est. 2,000 gal.

Manager Much reported the plant is able to handle up to 70 MGD; with the rain event we briefly exceeded the capacity overflowing the primary splitter box. The overflow was on grass around the splitter box, none of the overflow entered into a storm sewer.

Budget, Finance, Personnel

Accountant Voigt reported the auditors are waiting for language from our attorneys to complete the audit. The 2008 Financial Audit will be put on the agenda for the May meeting.

Accountant Voigt presented the preliminary financial statements for the month of March 2009. Commissioner G. Falck questioned the budgeted net loss for 2009. Accountant Voigt responded this is largely comprised of expenses in the Replacement Fund and Depreciation Fund that exceed the annual revenues received. This will be a reduction to our undesignated earnings and will be an offset to the years when we would show a net income. Commissioner T. Hamblin questioned why there is a budget for labor. The response is this is for hiring a summer employee and/or an intern. After discussion, motion made by Commissioner R. Zielinski, seconded by Commissioner K. Bauer to accept the financial statements for the month of March and place it on file. Motion carried unanimously.

Accountant Voigt presented MCO Invoice #13484 in the amount of \$118,252.31 for the month of May 2009. After discussion, motion by Commissioner R. Zielinski, seconded by Commissioner W. Helein to approve MCO Invoice #13484 in the amount of \$118,252.31 for the month of May 2009 and to pay the invoice after May 1. Motion carried unanimously.

Accountant Voigt presented the Accountants Report for the month of March. The money market rates have continued to decrease. A CD that matured on April 6 was deposited into the Money Market account at First National Bank. The Funds will be used for the purchase of the 230kW gas engine. Income generated for the Commission by MCO in March totaled \$2,724. After discussion, motion by Commissioner R. Zielinski, seconded by Commissioner T. Hamblin to accept the Accountants Report for the month of March 2009. Motion carried unanimously.

McMAHON invoices #45631, #45632, #45591 and #45592 were presented for payment. After discussion, motion by Commissioner R. Zielinski, seconded by Commissioner K. Bauer to approve for payment McMAHON invoices #45631, #45632, #45591 and #45592. Motion carried unanimously.

Operations, Engineering, Planning

Manager Much presented and discussed the operating report for the month of March 2009. The flows and loadings increased in March with the rainfall received. The cities need to continue their I/I work. The work done so far has helped, but more needs to be done. Manager Much discussed the phosphorus limits; the limits are eventually to be based on the individual stream the effluent is discharged into. The effort is to have the wastewater treatment plants remove more phosphorus from their discharge or to go to other nonpoint sources to have them reduce the amount of phosphorus discharged. During the next 1-2 years we will proceed with a testing process to find ways to reduce the amount of phosphorus discharged. One process to test will be to use more chemical in different areas of treatment in the wwtp. This will create more sludge to haul and will also increase our chemical costs. The new limits discussed are not in our currently renewed permit, but will most likely be implemented in our next permit renewal. We have had a few problems in the plant with a boiler and a high strength waste pump that should have an engineer look at to offer suggestions for solving the problems experienced. After discussion, motion by Commissioner R. Zielinski, seconded by Commissioner K. Bauer to accept the operating report for the month of March 2009. Motion carried unanimously.

Manager Much reported to the Commission on the 230kW Biogas engine. We are still looking at a May or June installation and start-up.

Manager Much presented the HVAC system report from Fredericksen Engineering. The recommendations in this report are to replace the existing exhaust dampers and actuators with high quality insulated dampers; pack and caulk the fume hood exhaust duct wall penetrations; convert existing pneumatic room thermostats and actuators to digital; and upgrade the existing Johnson Controls software. A HVAC firm will be brought in to replace the dampers and actuators and Johnson Controls will be contacted to update the thermostats, actuators, and control software.

President W. Zielinski reported that Commissioner D. Youngquist requested to defer the discussion on the WPDES permit until the May meeting when he would be in attendance. The WPDES permit discussion will be put on the May meeting agenda.

Old Business

Interceptor ownership. Manager Much reported that a meeting with himself, Attorney Gunz, City of Menasha representatives and Town of Menasha representatives was held to discuss the interceptor ownership. Both the City and Town wanted to receive the flow data from the 9th Street station; this information has been sent to them. Manager Much felt this was a productive meeting and hopefully they would meet again in a month or two.


Biosolids Management. Manager Much reported a meeting was held with himself, Paul Much, Roger Voigt, Jim Savinski (DNR), Robert and James Potratz (Gizmo Farms) to discuss the issues with the sludge hauling and reporting. The NMSC will manage the program and provide Gizmo Farms the number of truckloads that are to be applied on each site. A letter of understanding was drafted detailing the procedures for each party. After discussion, motion made by Commissioner R. Zielinski, seconded by Commissioner K. Bauer to approve the letter of understanding for signature and submittal of a copy to the DNR representative Jim Savinski. Motion carried unanimously.

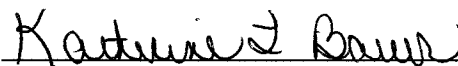
Heat Exchanger. Manager Much discussed issues of the thermo to meso line plugging.

Vouchers

Motion made by Commissioner R. Zielinski, seconded by Commissioner K. Bauer to approve operating and payroll fund vouchers #130886 through #130941 in the amount of \$290,307.18 for the month of March as reported on the check registers. Motion carried unanimously.

Motion made by Commissioner R. Zielinski, seconded by Commissioner T. Hamblin to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:45 a.m.


President


Secretary

NEENAH-MENASHA SEWERAGE COMMISSION

Regular Meeting

Tuesday May 26, 2009

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

Present: Commissioners R. Zielinski, T. Hamblin, D. Youngquist W. Helein, G. Falck, W. Zielinski; Manager Much, Accountant Voigt.

Excused: Commissioner K. Bauer.

Also Present: Paul Much, Rob Franck (MCO); Mike Sambs (Waverly).

Motion made by Commissioner R. Zielinski, seconded by Commissioner G. Falck to approve the minutes of the Regular Meeting of April 28, 2009. Voting aye: Commissioners T. Hamblin, W. Helein, G. Falck, R. Zielinski. Commissioner D. Youngquist abstained. Motion carried.

Correspondence

The following correspondence was discussed:

D. McMAHON 100th Anniversary Celebration Invitation.
RE: June 10, 2009 celebration at the McMAHON offices.

Budget, Finance, Personnel

Accountant Voigt reported the auditors are waiting for language from our attorneys to complete the audit. The 2008 Financial Audit will be put on the agenda for the June 23 meeting.

Accountant Voigt presented the preliminary financial statements for the month of April 2009. Commissioner D. Youngquist questioned the stormwater fees now being assessed to the NMSC. It was reported to the Commission that the \$942 is a monthly fee for 2009. Commissioner D. Youngquist also questioned the status of the outstanding accounts receivable accounts. It was reported all old receivables have been brought current. After discussion, motion made by Commission D. Youngquist, seconded by Commissioner R. Zielinski to accept the financial statements for the month of April and place it on file. Motion carried unanimously.

Accountant Voigt discussed his memo to the Commission regarding the prepayment of construction costs in 1984 by Waverly Sanitary District and the Town of Neenah Sanitary Districts. In 1984 all contracting users were provided the option to prepay for the costs of the 1985 plant upgrade. The prepayment amount was based on 20-year growth projections from East Central Regional Planning Commission and the cost of the upgrade project. Waverly Sanitary District and the Town of Neenah

Sanitary Districts (1, 1-1, 2) decided to prepay for their cost of the plant upgrade. The Commission also requested plant staff to monitor the actual loadings received by the Contract Users and to track the actual amount paid by Waverly S.D. and the Town of Neenah S.D.'s to verify if the growth projections of East Central Regional Planning Commission were correct. The Commission hired Virchow Krause & Company to prepare a method to perform the tracking and recording of the actual prepayments and the calculated actual usage of the contracted users. The actual usage has been tracked and now 20 years later the results are known. If Waverly did not prepay the costs for the plant upgrade, they would have paid in \$7,800.72 more toward the costs of the plant; so Waverly S.D. underpaid this amount based on original projections. If the Town of Neenah S.D.'s did not prepay the costs for the plant upgrade, they would have paid in \$37,436.59 less toward the costs of the plant; so the Town of Neenah S.D.'s overpaid this amount based on original projections. Over the 20-year period, these amounts were recorded on the Commission financial statements. The net difference between the Waverly S.D. underpaid amount and the Town of Neenah S.D. overpaid amount is \$29,635.87 overpayment. To cover this overpayment, the Cities of Neenah and Menasha and the Town of Menasha should have paid in more during this 20-year period; Neenah - \$9,969.65, Menasha - \$13,366.85, Town of Menasha - \$6,299.39. The Commission needs to decide if these calculated usages are "informational" or should be changed to "actual" and the underpayments by Waverly S.D., City of Neenah, City of Menasha, and Town of Menasha should be billed to them and then the overpayment by the Town of Neenah S.D. should be returned. Discussion followed; after discussion a motion was made by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to remove the asset and liability from the financial statements and to notify the contract users of this action. A roll call vote was taken; voting aye: Commissioners W. Helein, R. Zielinski, D. Youngquist, T. Hamblin. Voting nay: Commissioner G. Falck. Motion carried.

Accountant Voigt presented MCO Invoice #13547 in the amount of \$118,252.30 for the month of June 2009. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to approve MCO Invoice #13547 in the amount of \$118,252.30 for the month of June 2009 and to pay the invoice after June 1. Motion carried unanimously.

Accountant Voigt presented the Accountants Report for the month of April. The money market rates have continued to decrease. A CDARS deposit placement agreement was presented to the Commission for placing funds into Certificates of Deposits through the First National Bank-Fox Valley. Discussion ensued; Commissioner G. Falck requested more information on Promontory Interfinancial Network, LLC should be obtained before executing any agreement with them. Income generated for the Commission by MCO in April totaled \$2,744. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner T. Hamblin to accept the Accountants Report for the month of April 2009. Motion carried unanimously.

Accountant Voigt reported a Bond interest payment will be made on June 1, 2009.

Operations, Engineering, Planning

Manager Much presented and discussed the operating report for the month of April 2009. There are no operational problems at the moment. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to accept the operating report for the month of April 2009. Motion carried unanimously.

Manager Much reported to the Commission on the 230kW Biogas engine. The existing concrete slab located next to the blower building is not adequate for the new unit. The options of either putting in a new slab or pouring a new slab over the existing slab are being reviewed. It is the consensus of the Commission that a new slab should be installed.

Manager Much reviewed and discussed the new WPDES Permit issued by the DNR. Commissioner T. Hamblin questioned if there are any increases in the permit limits; there are no increases. Commissioner T. Hamblin also questioned if there are any changes in the sludge limits; there are no changes. Commissioner R. Zielinski questioned what effect the permit has on the lake cleanup of PCB's; there is no effect. Manager Much also reported there is no mercury limit at this time; the NMSC is currently under a mercury reduction program to reduce the influent mercury. It would be to our benefit to be able to get below the 1.3 nanogram per liter (ng/l) limit so to end the reduction program.

Manager Much presented a sewer extension request received from the Town of Neenah S.D. #2 for a home being constructed on Towerview Drive. After discussion, motion by Commissioner R. Zielinski, seconded by Commissioner T. Hamblin to approve the sewer extension request for the home being constructed on Towerview Drive in the Town of Neenah S.D. #2. Motion carried unanimously.

Old Business

Interceptor ownership. Manager Much indicated there is no new information to report.

Biosolids Management. Manager Much reported a meeting was held with a mega farmer in Calumet County. The farmer knew of other farmers in the area who may be interested in additional nutrients for their farmland; they will check further into this. Manager Much also reported that Calumet County is

looking at modifying soil requirements for land spreading due to groundwater contamination in southern areas of the county. Manager Much also reported that new phosphorus loading limits could impact how much sludge could be land applied. Commissioner R. Zielinski questioned when the current sludge hauling agreement expires; it expires in 2011, we may need to look at extending the current agreement. Commissioner R. Zielinski also asked if there are county regulations on sludge buildings; there are some zoning issues and Town Boards to deal with. Commissioner W. Helein questioned where in Calumet County they were looking; in the Hilbert area. Commissioner D. Youngquist asked if either Veolia or Waste Management hauls sludge; Veolia does. Commissioner G. Falck questioned if we could get more information from Veolia; we will keep in contact with them as to where we are in proceeding with handling our biosolids. Manager Much also reported that sludge storage is the critical issue; having a building for storing the sludge. A meeting will be held later this week with the landfill. We will continue to proceed looking at our options, but you need to keep aware there are risks in whatever decision is made. Manager Much also reported we are also having the manufacturer of our current sludge presses coming in to look over our presses and to give us an estimated remaining life of our presses.


Heat Exchanger. Manager Much reported this can be removed from the agenda.

HVAC System Update. Johnson Controls are here today to look at prints of the system.

Vouchers

Motion made by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to approve operating and payroll fund vouchers #130942 through #130992 in the amount of \$372,544.20 and Replacement Fund vouchers #1015 through #1016 in the amount of \$126,850.00 for the month of April as reported on the check registers. Motion carried unanimously.

Motion made by Commissioner R. Zielinski, seconded by Commissioner T. Hamblin to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 9:16 a.m.



President



Secretary

NEENAH-MENASHA SEWERAGE COMMISSION

Regular Meeting

Tuesday June 23, 2009

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

Present: Commissioners R. Zielinski, T. Hamblin, D. Youngquist W. Helein, K. Bauer, G. Falck, W. Zielinski; Manager Much, Accountant Voigt.

Also Present: Paul Much (MCO); Mike Sambs (Waverly).

Motion made by Commissioner R. Zielinski, seconded by Commissioner W. Helein to approve the minutes of the Regular Meeting of May 26, 2009. Voting aye: Commissioners T. Hamblin, W. Helein, G. Falck, R. Zielinski, D. Youngquist, K. Bauer. Motion carried. As a follow-up to discussion held regarding the monthly storm water fee, Commissioner T. Hamblin reported that in Eau Claire there is a case that a storm water credit was given for a business located on the river in that community and it may be worthwhile to check further into the details to see if some of the same conditions may apply for the NMSC. Manager Much indicated he will check further into this issue.

Correspondence

The following correspondence was discussed:

- E. June 3, 2009 letter from Randall Much, NMSC to NMSC Contracting Municipalities.
RE: Notice to users of removing asset & liability of calculated prepayment.

Budget, Finance, Personnel

Accountant Voigt reported the auditors received the language from our attorneys on Friday to complete the audit; there is a conflict with the auditor being able to attend the meeting today. The 2008 Financial Audit will be put on the agenda for the July 28 meeting.

Accountant Voigt presented the preliminary financial statements for the month of May 2009. After discussion, motion made by Commission D. Youngquist, seconded by Commissioner R. Zielinski to accept the financial statements for the month of May and place it on file. Motion carried unanimously.

Accountant Voigt presented MCO Invoice #13621 in the amount of \$118,252.31 for the month of July 2009. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to approve MCO Invoice #13621 in the amount of \$118,252.31 for the month of July 2009 and to pay the invoice after July 1. Motion carried unanimously.

Accountant Voigt presented the Accountants Report for the month of May. The money market rates have continued to decrease. MCO generated \$4,580 in income to the Commission in May. The CDARS deposit placement agreement and how the program works was discussed further. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner K. Bauer to execute the CDARS placement agreement with First National Bank – Fox Valley. Motion carried unanimously. Motion by Commissioner D. Youngquist, seconded by Commissioner T. Hamblin to accept the Accountants Report for the month of May 2009. Motion carried unanimously.

Accountant Voigt presented for payment McMAHON invoices #45988 and #46010 in the amounts of \$198.00 and \$238.50. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to approve for payment invoices #45988 and #46010. Motion carried unanimously.

Operations, Engineering, Planning

Manager Much presented and discussed the operating report for the month of May 2009. The plant is running well and there are no operational problems. After discussion, motion by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to accept the operating report for the month of May 2009. Motion carried unanimously.

Manager Much reported to the Commission on the 230kW Biogas engine. The new concrete slab has been poured; the engine is scheduled for delivery next week. Lee's Contracting will do the installation and we will have a company technician from Germany come in and go over the engine prior to startup.

Manager Much reviewed and discussed the eCMAR (electronic Compliance Maintenance Annual Report). The eCMAR is a grading system program for wastewater treatment plants. The NMSC received "A" in all categories except Collection System (B), and Biosolids Quality & Management (D). The "D" grade is due to our sludge application program and the overloading of nitrogen on some of our sludge sites in 2008. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner T. Hamblin to approve NMSC Resolution 2009-2. Motion carried unanimously.

Manager Much reported to the Commission on upcoming activity related to the PCB issue in the Fox River. There is a meeting Monday night at the NMSC and again Tuesday night in Green Bay with our attorneys; more activity is beginning to take place on this issue. Commissioner T. Hamblin questioned where is the DNR involved in this process? Manager Much reported the DNR is working with the EPA and the Indian Tribes. Commissioner T. Hamblin also questioned where in the process is the DNR in coming to a settlement for the communities? Manager Much reported this is a federal decision. Commissioner K. Bauer questioned if there is a mechanism to take this issue to court now? Manager Much reported no; there is a process involved to get it to that point.

Old Business

Interceptor ownership. Manager Much indicated there is no new information to report.

Biosolids Management. Manager Much reported that the meeting that was scheduled in Oshkosh was cancelled; they are trying to set a date for another meeting.

HVAC System Update. Johnson Controls are looking at the controls; they also have concerns with the proposed dampers.

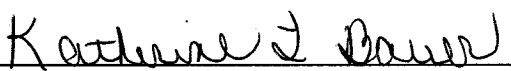
Vouchers

Motion made by Commissioner R. Zielinski, seconded by Commissioner K. Bauer to approve operating and payroll fund vouchers #130993 through #131045 in the amount of \$437,772.10 for the month of May. Motion carried unanimously. It was requested to have any additional MCO invoices included on the agenda for approval in addition to the invoice for monthly contract services.

Motion made by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:40 a.m.



President



Secretary

NEENAH-MENASHA SEWERAGE COMMISSION

Regular Meeting

Tuesday July 28, 2009

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

Present: Commissioners R. Zielinski, T. Hamblin, D. Youngquist W. Helein, K. Bauer, G. Falck, W. Zelinski; Manager Much, Accountant Voigt.

Also Present: Paul Much, Jim Peichl (MCO); Mike Sambs (Waverly); Chad Olsen (McMAHON); David Maccoux (Schenck).

Motion made by Commissioner R. Zielinski, seconded by Commissioner W. Helein to approve the minutes of the Regular Meeting of June 23, 2009. Motion carried unanimously.

Correspondence

The following verbal report was discussed:

Manager Much reported to the Commission that Attorney Gunz will terminate providing his legal services to the NMSC on December 31, 2009. Attorney Gunz has offered to provide recommendations of several individuals worth considering as his replacement. A couple of the Commissioners indicated they will check with sources they know to see if they know any individuals to also consider.

Budget, Finance, Personnel

Accountant Voigt presented the preliminary financial statements for the month of June 2009. After discussion, motion made by Commission D. Youngquist, seconded by Commissioner R. Zielinski to accept the financial statements for the month of June and place it on file. Motion carried unanimously.

Accountant Voigt presented MCO Invoices #13704, #13736, and #13734 in the amounts of \$118,252.31, \$768.16, and \$354.01. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to approve for payment MCO Invoices #13704, #13736, and #13734 and to pay the invoices after August 1. Motion carried unanimously.

Accountant Voigt presented the Accountants Report for the month of June. The money market rates have continued to decrease. MCO generated \$2,861 in income to the Commission in June. On July 1 \$1,000,000 was placed into the CDARS deposit placement agreement; a copy of the depository institutions was provided. After discussion, motion by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to accept the Accountants Report for the month of June 2009. Motion carried unanimously.

Mr. David Maccoux from Schenck presented and discussed the NMSC Audit Report and Report of Other Comments and Observations as of December 31, 2008. The Commission bond rating was questioned; it was reported that the Commission bond rating is reviewed for the Commission only when a bond borrowing is planned. After review of both documents and related discussion, a motion by Commissioner R. Zielinski, seconded by Commissioner K. Bauer to accept and approve the Audit Report and Report of Other Comments and Observations as of December 31, 2008. Voting aye: Commissioner W. Helein, R. Zielinski, K. Bauer, G. Falck, T. Hamblin. Commissioner D. Youngquist abstained. Motion carried.

Accountant Voigt presented for payment McMAHON invoice #46886 in the amount of \$96.50. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner K. Bauer to approve for payment invoice #46886. Motion carried unanimously.

Accountant Voigt reported that work on the 2010 NMSC Budget has started and questioned if the Commission had any input for the budget. Commissioner D. Youngquist indicated we should continue to look at the Replacement Fund and Depreciation Fund rates and consider additional increases to keep up with costs. It was also questioned on how we can prepare for the PCB issue; we should also consider budgeting the electricity costs based on running the methane gas engine.

Operations, Engineering, Planning

Manager Much presented and discussed the operating report for the month of June 2009. The plant is operating well and meeting performance. With the dry weather, operating income is down. There are some plant items to begin looking at: the dewatering presses will soon need major rebuilds; sludge storage building; heat exchanger – temperature control problems; sludge recirculation pumps – not as efficient due to age; aeration system – blowers and piping are 20+ years old, should begin looking at high efficiency units; Siloxane issues – the boiler tubes are coated white with Siloxane, we should look

at installing a removal system. We should have some capital costs and an engineering proposal at the next Commission meeting. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner T. Hamblin to accept the operating report for the month of June 2009. Motion carried unanimously.

Manager Much reported to the Commission on the 230kW Biogas engine. We are waiting for Menasha Utilities and WPPI for information for installing to the grid. Once this information is received, we can look at connecting the engine.

Manager Much presented and discussed two quotes received for replacing the roof on the digester building. W&L provided the low quote; this firm also replaced the roof on the service building last year. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to accept the quote from W&L Insulation & Roofing, Inc. in the amount of \$19,478 to replace the membrane roof on the digester building. Motion carried unanimously.

Old Business

Interceptor ownership. Manager Much indicated there is no new information to report.

Biosolids Management. Manager Much reported that we should possibly look at large grain operations; these operations are looking to purchase land. Manager Much also reported on receiving a contact from the Reedsville area on someone who may be interested in receiving our sludge for land application. The use of the County landfill is looking more like a dead issue; the idea of working together with Oshkosh could still be a good option, we may want to work with a realtor to look at what land is available. It was questioned if we are looking to purchase land, how much area are we looking at? It was reported we need 1,000 to 1,500 acres. The phosphorous issues could make this whole effort a crapshoot. Phosphorous based limits for land application could greatly restrict how much sludge can be land applied on a site.

HVAC System Update. We are looking at obtaining a second quote for this work.

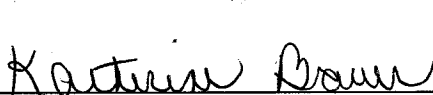
Vouchers

Questions were asked regarding the payments to the DNR and Travelers Insurance. After discussion, motion made by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to approve operating and payroll fund vouchers #131046 through #131111 in the amount of \$342,036.58 for the month of June. Motion carried unanimously.

Motion made by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 9:12 a.m.



President



Secretary

NEENAH-MENASHA SEWERAGE COMMISSION

Regular Meeting

Tuesday August 25, 2009

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

Present: Commissioners R. Zielinski, T. Hamblin, D. Youngquist, W. Helein, K. Bauer, G. Falck, W. Zielinski; Manager Much, Accountant Voigt, Attorney Gunz.

Also Present: Paul Much (MCO); Mike Sambs (Waverly); Chad Olsen (McMahon); Jan DeKeyser, Don Verbrick, Steve Spanbauer, Attorney John St. Peter (Town of Neenah S.D. 2).

Motion made by Commissioner R. Zielinski, seconded by Commissioner K. Bauer to approve the minutes of the Regular Meeting of July 28, 2009. Motion carried unanimously.

Correspondence

The following correspondence was discussed:

- A. August 14, 2009 email from Roger Voigt, NMSC to Mark Radtke, City of Menasha.
RE: Request for reduction in stormwater ERU's for utility charges.
- B. August 20, 2009 email from Mark Radtke, City of Menasha to Roger Voigt, NMSC.
RE: Reduction of stormwater utility ERU's from 115.9 to 69.7.
- C. August 17, 2009 notice from WE Energies to the NMSC.
RE: Notice of removal of 7 steel lattice towers from Little Lake Butte des Morts.
- D. July 1, 2009 letter from Don Verbrick, President Town of Neenah S.D. 2 to Randall Much, NMSC Manager.
RE: Plant capacity allocation.

Presentation by Town of Neenah S.D. 2 regarding 1984 prepayment capital allocation. Don Verbrick addressed the Commission indicating he has an obligation to their users in making the request for the adjustment. Attorney John St. Peter addressed the Commission; the Sanitary District is looking for an adjustment in the amount of \$37,436. He has met with staff and Attorney Gunz and now the Sanitary District is being given this chance to present their argument. Attorney St. Peter read NMSC Resolution 84-9 and discussed wording in the resolution. He also reminded the Commission that the balance was carried in the financial statements for 20 years. The Sanitary District is asking for relief for up to 10 years in either cash payment or billing credits.

Budget, Finance, Personnel

Accountant Voigt presented the preliminary financial statements for the month of July 2009. After discussion, motion made by Commission D. Youngquist, seconded by Commissioner R. Zielinski to accept the financial statements for the month of July and place it on file. Motion carried unanimously.

Attorney Gunz addressed the Commission indicating he will retire at year end. He has individuals in mind who would be very competent and who would not be in conflict by representing other communities involved with the Commission. Commissioner G. Falck questioned if he (Attorney Gunz) would spend time bringing the new attorney up to speed. Attorney Gunz reported the plan would be to spend 1 – 2 months working together. President W. Zielinski questioned the Commissioners if it would be okay to bring in one attorney and talk with him to become comfortable with this person. It was the consensus of the Commission to have Manager Much contact the attorney and ask him to come to the next meeting.

Accountant Voigt presented MCO Invoices #13786, #13822, and #13819 in the amounts of \$118,252.30, \$724.10, and \$196.69. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to approve for payment MCO Invoices #13786, #13822, and #13819 and to pay the invoices after September 1. Motion carried unanimously.

Accountant Voigt presented the Accountants Report for the month of July. The money market rates have continued to decrease. MCO generated \$3,290 in income to the Commission in July. A copy of the customer summary statement of the funds placed into the CDARS program was provided. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner G. Falck to accept the Accountants Report for the month of July 2009. Motion carried unanimously.

Accountant Voigt presented for payment McMAHON invoice #47186 in the amount of \$451.50. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to approve for payment invoice #47186. Motion carried unanimously.

Manager Much presented the draft 2010 NMSC Budget. Discussion ensued; items discussed included the Replacement Fund and upcoming projects, Commission employing an intern and or summer help, electric and natural gas budget amounts. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner G. Falck to increase the 2010 Replacement Fund by 10% over the 2009 budget amount. Voting aye: Commissioners W. Helein, K. Bauer, G. Falck, T. Hamblin, D. Youngquist. Voting nay: Commissioner R. Zielinski. Motion carried. The Commission discussed holding the Public Hearing for the 2010 NMSC Budget. After discussion, motion made by Commissioner D. Youngquist, seconded by Commissioner K. Bauer to schedule a Public Hearing on September 22, 2009 prior to the Regular Meeting for the purpose of hearing public input on the proposed 2010 NMSC Budget. Motion carried unanimously.

Accountant Voigt presented proposed rates for the 4th quarter 2009 for the flow, BOD, and Suspended Solids. After discussion, motion made by Commissioner D. Youngquist, seconded by Commissioner T. Hamblin to approve the rates for the 4th quarter 2009 as proposed for the flow, BOD, and Suspended Solids. Motion carried unanimously. The rates for the 4th quarter 2009 will be: Flow - \$198.16/MG, BOD - \$0.3026/pound, SS - \$0.1353/pound.

Operations, Engineering, Planning

Manager Much presented and discussed the operating report for the month of July 2009. There are no issues with the plant this past month. Commissioners questioned and discussion ensued regarding the

mercury testing and the results reported; the test results are not consistent and the numbers keep bouncing around – high test results in one community one month and then high test results in another community the next month. After discussion, motion by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to accept the operating report for the month of July 2009. Motion carried unanimously.

Manager Much reported to the Commission on the 230kW Biogas engine. The past three weeks of work included pulling cables and wire for connecting the unit; working with Menasha Utility on how to connect on the grid; and working with Pieper Electric on connecting the unit. Hopefully by next month the unit will be up and running.

Chad Olsen presented and discussed the McMAHON proposal for engineering services for evaluation of various plant processes and equipment. Commissioner T. Hamblin questioned if this proposal is for a preliminary study only. Chad responded yes, it is a preliminary study. Commissioner T. Hamblin then asked how much would the final study cost. Chad responded the preliminary study would be a guide for how and when we want to do upgrades. The study would be completed by February 2010; it would be updated as tasks are completed. Commissioner R. Zielinski questioned how he arrived at the \$32,000 for these services. Chad responded it is based on time and expense and an estimate on how long it will take to perform each task. After discussion, motion made by Commissioner D. Youngquist, seconded by Commissioner K. Bauer to approve and authorize President W. Zielinski to enter into the agreement with McMAHON for evaluations of the NMSC based on the scope of services. Motion carried unanimously.

Old Business

Interceptor ownership. Manager Much reported that Menasha city staff has been busy and no second meeting between the City and Town of Menasha has been set-up. There is no new information to report at this time.

Biosolids Management. Manager Much reported a meeting was held with the County Landfill staff last week Friday and with City of Oshkosh staff. There is a potential site that we feel could be considered for a building. Attorney Gunz questioned if there are any zoning codes in the city. Manager Much replied they are working with the City Administrator to address this issue. Commissioner D. Youngquist questioned if the NMSC would own the land. Manager Much indicated this would need to be worked out; we would prefer to own the land. Chad Olsen distributed an aerial photograph depicting where the site is located at the landfill. Chad reported he can check with Veolia and other firms for their feelings on finding spreading sites around the Oshkosh area. We should also get a survey of the site in the landfill to verify the placing of the building. Manager Much indicated this could be our best option. Manager Much will be meeting today with a farmer near Reedsville to discuss site hauling and building options. After discussion, motion made by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to proceed with a survey of the area in the landfill site. Motion carried unanimously. Commissioner G. Falck suggested the Commission should also consider purchasing land for spreading of solids and the potential of leasing out the land. The Commission will need to decide if they want to purchase land. Commissioner K. Bauer questioned using a different alternative to treating the sludge. Manager Much reported that alternatives to land spreading are very expensive. One alternative would be to landfill the sludge; this would see an increase of 30% in our current hauling costs. Commissioner D. Youngquist suggested the Commission should look at additional alternatives such as buying the neighboring park and adjacent properties to achieve necessary setback requirements.

HVAC System Update. The \$8,000 option provided by the consultant will not hold temperatures to lab specs. Johnson Controls was contacted to provide an option to hold the room temperature in the lab to within lab specs of 1 – 2 degrees fluctuation. The cost to bring the lab to operate within lab specs is \$66,000. Commissioner T. Hamblin questioned if there were any other options available. Manager Much reported that other firms were contacted and they were not able to offer any other options. Commissioner R. Zielinski questioned if the lab testing could be sent out to private laboratories. Manager Much indicated this would add \$160,000 - \$200,000 per year to the Commission budget. The DNR is aware we are looking at this issue and making plans to correct the situation. After discussion, motion made by Commissioner G. Falck, seconded by Commissioner K. Bauer to proceed with the estimate provided by Johnson Controls for \$66,000. Motion carried unanimously.


Motion made by Commissioner T. Hamblin, seconded by Commissioner W. Helein to convene into closed session under Section 19.85(1)(g) and 19.85(1)(e) of the Wisconsin Statutes to confer with legal counsel concerning strategy to be adopted by the NMSC with respect to their joint defense with the Cities of Neenah and Menasha in connection with potential liability arising from the Lower Fox River/Green Bay Natural Resource Damage Assessment, Lower Fox River and Green Bay remediation issues, and related potential litigation and to discuss strategies for negotiations with representatives of the United States of America and the State of Wisconsin on compromise settlement of potential CERCLA liability, indemnification, contribution protection and municipal entities infrastructure concerns with respect to the Lower Fox River/Green Bay AND under Section 19.85(1)(e) of the Wisconsin Statutes to confer with legal counsel for the purpose of deliberating the Town of Neenah Sanitary District capital prepayment. Motion carried unanimously. Meeting entered into closed session at 9:42 am.

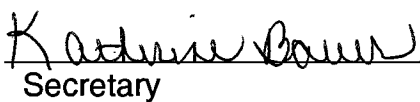
Motion made by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to adjourn the closed session and return in regular open session. Motion carried unanimously. The Commission returned to Regular open session at 11:00 am.

Vouchers

Questions were asked regarding the payments to Latham & Watkins and Romenesko Lock. Latham & Watkins were paid a retainer for the joint defense fund, this was authorized at the July meeting; Romenesko Lock made repairs to locks, closers, and door handles throughout the plant. After discussion, motion made by Commissioner R. Zielinski, seconded by Commissioner W. Helein to approve operating and payroll fund vouchers #131112 through #131169 in the amount of \$510,509.56 for the month of July. Motion carried unanimously.

Motion made by Commissioner G. Falck, seconded by Commissioner R. Zielinski to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 11:03 a.m.


President


Secretary

NEENAH-MENASHA SEWERAGE COMMISSION

Closed Session Tuesday August 25, 2009

Motion made by Commissioner T. Hamblin, seconded by Commissioner W. Helein to convene into closed session under Section 19.85(1)(g) and 19.85(1)(e) of the Wisconsin Statutes to confer with legal counsel concerning strategy to be adopted by the NMSC with respect to their joint defense with the Cities of Neenah and Menasha in connection with potential liability arising from the Lower Fox River/Green Bay Natural Resource Damage Assessment, Lower Fox River and Green Bay remediation issues, and related potential litigation and to discuss strategies for negotiations with representatives of the United States of America and the State of Wisconsin on compromise settlement of potential CERCLA liability, indemnification, contribution protection and municipal entities infrastructure concerns with respect to the Lower Fox River/Green Bay AND under Section 19.85(1)(e) of the Wisconsin Statutes to confer with legal counsel for the purpose of deliberating the Town of Neenah Sanitary District capital prepayment. Motion carried unanimously. Meeting entered into closed session at 9:42 am.

The Closed Session was called to order by Commission President W. Zielinski at 9:42 am.

Present: Commissioners R. Zielinski, T. Hamblin, G. Falck, K. Bauer, W. Helein, D. Youngquist, W. Zielinski; Manager Much, Attorney Gunz, Accountant Voigt.

Also Present: Paul Much (MCO).

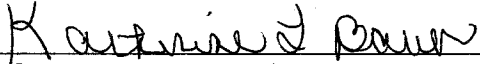
Fox River/PCB Issue – Attorney Gunz reported there is some movement from the seven insurance carriers that provided coverage from 1951 – 1984. There is the movement of looking towards contributing to the defense costs. So far there are roughly 6 million documents; a paralegal firm has been hired to summarize the documents; there are still issues regarding the lost insurance policies; they would be helpful to the Cities of Neenah and Menasha. December 1 is the start of the trial; this will be phase 1 of 4 phases. The discovery portion of the lawsuit is almost done. Davis & Kuelthau has sent out a proposal as to why we should not be involved in the lawsuit. We are trying to meet face-to-face with Spector in Washington D.C. The trial will be held in Milwaukee due to the large amount of attorneys involved and having a room large enough for everyone. We are looking for a settlement option in the next several months. Commissioner G. Falck questioned how this involves the Towns. The Towns were not a part of the Sewerage Commission at the time of the PCB issues. Commissioner T. Hamblin questioned about having a potential settlement with the DNR. They are looking at entities such as the Sewerage Commission that will be here in perpetuity for river monitoring. This could be problematic for NMSC and Appleton. It will depend on what they want in in-kind service to be performed. So far the working relationships with the Neenah and Menasha attorneys have been very good. There is nothing in a concrete form for a settlement. Commission President W. Zielinski questioned if Attorney Gunz will be dissolving himself of everything related to this action when he retires. Attorney Gunz will not, he will continue to make himself available.

Town of Neenah Capital Prepayment Issue – Attorney Gunz reported they met with the Town about a month ago. He indicated he kept out of the issue until now because he was heavily involved in the development of the resolution in 1984. Attorney Gunz reported on the history – The final actual costs of

the project were not to be known for several months. In the 1970's the City of Neenah borrowed money for the purpose of payment of the plant project originally planned in the 1970's. The Ordinance/Contract was drafted specifically indicating the City of Neenah could prepay their costs for the project. In calculating the prepayment splits, Neenah, Menasha, and the Town of Menasha had flow and loading data. There was no loading data for the Town of Neenah and Waverly Sanitary District. The Town of Neenah attorney interpreted Sanitary District law that if a Town Sanitary District had debt, they could not be annexed. This was in part the reason for the Town of Neenah wanting to prepay the capital costs of the project. The City of Neenah did not want to prepay due to the risk of fluctuations in loadings between the communities. Attorney Gunz further reviewed the history of what brought this issue to an ordinance. Attorney Gunz indicated he feels the Commission made the correct decision. The Commission further discussed the issue. Commissioner D. Youngquist suggested that out of fairness, should the NMSC possibly consider offering ½ of the amount to be paid back to the Town of Neenah over 2 – 3 years? Attorney Gunz reported he feels the NMSC is correct on legal grounds, though he does feel the Town of Neenah has some merit in its request – the issue of keeping track and reporting the difference on the financial statements. It was questioned if the NMSC should wait and see what happens or should the NMSC propose a settlement. Attorney Gunz reported the Commission does not need to take any further action beyond what they have done already; it's a political issue. Further discussion ensued on the issue of offering a settlement option. After discussion, motion made by Commissioner D. Youngquist, seconded by Commissioner G. Falck that the four municipalities that would owe to make an offer to the Town of Neenah to pay them ½ of the amount over a three year period with no interest. Voting aye: Commissioners G. Falck, D. Youngquist, K. Bauer. Voting nay: Commissioners W. Helein, R. Zielinski, T. Hamblin. Motion tied. President W. Zelinski voting nay – Motion failed.

Motion made by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to adjourn the closed session and return in regular open session. Motion carried unanimously. The Commission returned to Regular open session at 11:00 am.


President


Secretary

NEENAH-MENASHA SEWERAGE COMMISSION

Public Hearing & Regular Meeting

Tuesday September 22, 2009

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

Present: Commissioners R. Zielinski, D. Youngquist, W. Helein, K. Bauer, G. Falck, W. Zelinski; Manager Much, Accountant Voigt, Attorney Gunz.

Excused: Commissioner T. Hamblin.

Also Present: Paul Much, Rob Franck (MCO); Mike Sambs (Waverly); Chad Olsen (McMahon); Attorney John Thiel.

President W. Zelinski opened the Public Hearing to receive comments on the proposed 2010 NMSC Budget.

Manager Much discussed the Replacement Fund and the need to consider the replacement of the SCADA computer control system. The system is now 24-years old and we cannot buy new computer boards to replace the boards that break down. We are currently able to get these boards repaired as they break down. The total cost for design and replacement of the current SCADA system is looking to cost \$825,000. The design portion should get under way to get us ready for the time when the system should be replaced. The design portion is estimated to cost \$165,000. Further discussion ensued; after discussion, motion made by Commissioner D. Youngquist, seconded by Commissioner K. Bauer to increase the proposed 2010 Replacement Fund 20% over the 2009 Budget amount to \$288,000. Motion carried.

Hearing no further questions or comments on the proposed 2010 NMSC Budget, moved by Commissioner R. Zielinski, seconded by Commissioner W. Helein to adjourn the Public Hearing and reconvene into Regular Open Session. Motion carried unanimously. Public Hearing adjourned at 8:12 am.

Motion made by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to approve the minutes of the Regular Meeting of August 25, 2009. Motion carried unanimously.

Correspondence

There was no correspondence to be discussed:

Budget, Finance, Personnel

Accountant Voigt presented the preliminary financial statements for the month of August 2009. After discussion, motion made by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to accept the financial statements for the month of August and place it on file. Motion carried unanimously.

Attorney Gunz addressed the Commission and introduced Attorney John Thiel. Attorney Thiel briefed the Commission on his legal background and 23 years of experience. Attorney Thiel started in Missouri and came to Wisconsin in 1988. He worked in the municipal section with Mulcahy & Wherry; then with Godfrey & Kahn; and then opened his own office. His billing rate to the Commission will be \$200 per hour; which is a discounted rate from his normal billing rate. Attorney Thiel sees no conflict of interest in any of the NMSC current business. Motion by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to request a written fee agreement from Attorney John Thiel. After discussion, Commissioner D. Youngquist withdrew his second, Commissioner R. Zielinski with his motion. After further discussion, motion by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to bring Attorney John Thiel on board as the Commission Attorney subject to an approved fee agreement. Motion carried unanimously.

Manager Much presented and discussed the proposed 2010 NMSC Budget. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to approve the proposed 2010 NMSC Budget with the additional increase in the Replacement Fund as approved in the Public Hearing. Motion carried unanimously on a roll call vote.

Accountant Voigt presented MCO Invoices #13863, #13912, and #13913 in the amounts of \$118,252.31, \$56.24, and \$835.83. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to approve for payment MCO Invoices #13863, #13912, and #13913 and to pay the invoices after October 1. Motion carried unanimously.

Accountant Voigt presented the Accountants Report for the month of August. The money market rates have continued to decrease. MCO generated \$3,049 in income to the Commission in August. A copy of the customer summary statement of the funds placed into the CDARS program was provided. The certificate of deposit that is maturing will probably be deposited into the money market account. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to accept the Accountants Report for the month of August 2009. Motion carried unanimously.

Accountant Voigt presented for payment McMAHON invoice #47666 in the amount of \$1,241.20. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to approve for payment invoice #47666. Motion carried unanimously.

Operations, Engineering, Planning

Manager Much presented and discussed the operating report for the month of August 2009. The plant is running well; painting has been performed in the chlorine contact tank. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to accept the operating report for the month of August 2009. Motion carried unanimously.

Manager Much reported to the Commission on the 230kW Biogas engine. The unit will be tested today to check it over prior to contacting the technician in Germany.

Old Business

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

Biosolids Management. Chad Olsen reported he contacted the city regarding any concerns with locating a building on the county landfill site; no response has yet been received from this request. A site survey is scheduled to be completed today or tomorrow at the landfill site. Chad Olsen distributed maps of various options for locating a storage building. If the park site were used, approximately 105 homes would be located within 1,000 feet of the building. The Potratz building used for the City of Oshkosh has no homes within 1,000 feet of the building; it would need additional buildings erected to serve both the NMSC and Oshkosh. If the NMSC is interested in purchasing this building, it may not be available for purchase until the contract between Oshkosh and Gizmo is completed. It was requested that Attorney Gunz should obtain a copy of the Oshkosh hauling contract. Gizmo Farms indicated they would be willing to extend the NMSC contract until 2015. Chad also reported they met with a farmer in the Reedsville area and discussed with him our sludge hauling and storage needs. This option would be similar to our current setup with Gizmo Farms. Chad also reported a letter was sent to Veolia requesting feedback on availability of land in the Oshkosh area for spreading. One of the next items we need to do is to contact the City of Oshkosh and the Winnebago County Landfill and to also contact

Gizmo Farms regarding the purchase of land next to the Oshkosh storage building. Commissioner K. Bauer questioned if we should contact the Winnebago County Planning & Zoning or East Central Regional Planning Commission if there are any issues with the areas we are looking at. It was reported the advantage of working with the City of Oshkosh is the economy of scale by working together on a storage building project.

HVAC System Update. The HVAC update for the lab is being worked on.


Motion made by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to convene into closed session under Section 19.85(1)(g) and 19.85(1)(e) of the Wisconsin Statutes to confer with legal counsel concerning strategy to be adopted by the NMSC with respect to their joint defense with the Cities of Neenah and Menasha in connection with potential liability arising from the Lower Fox River/Green Bay Natural Resource Damage Assessment, Lower Fox River and Green Bay remediation issues, and related potential litigation and to discuss strategies for negotiations with representatives of the United States of America and the State of Wisconsin on compromise settlement of potential CERCLA liability, indemnification, contribution protection and municipal entities infrastructure concerns with respect to the Lower Fox River/Green Bay. Meeting entered into closed session at 9:05 am.

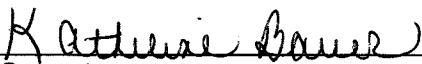
Motion made by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to adjourn the closed session and return in regular open session. Motion carried unanimously. The Commission returned to Regular open session at 9:18 am.

Vouchers

Motion made by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to approve operating and payroll fund vouchers #131170 through #131221 in the amount of \$443,456.86 for the month of August. Motion carried unanimously.

Motion made by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 9:20 a.m.


President


Secretary

NEENAH-MENASHA SEWERAGE COMMISSION

Closed Session

Tuesday September 22, 2009

Motion made by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to convene into closed session under Section 19.85(1)(g) and 19.85(1)(e) of the Wisconsin Statutes to confer with legal counsel concerning strategy to be adopted by the NMSC with respect to their joint defense with the Cities of Neenah and Menasha in connection with potential liability arising from the Lower Fox River/Green Bay Natural Resource Damage Assessment, Lower Fox River and Green Bay remediation issues, and related potential litigation and to discuss strategies for negotiations with representatives of the United States of America and the State of Wisconsin on compromise settlement of potential CERCLA liability, indemnification, contribution protection and municipal entities infrastructure concerns with respect to the Lower Fox River/Green Bay.

The Closed Session was called to order by Commission President W. Zielinski at 9:05 a.m.

Present: Commissioners R. Zielinski, G. Falck, K. Bauer, W. Helein, D. Youngquist, W. Zielinski; Manager Much, Attorney Gunz, Accountant Voigt.

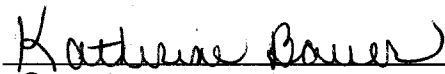
Also Present: Paul Much (MCO); Attorney Brandt (Menasha); Attorney Godzlewski (Neenah); Attorney Thiel (NMSC).

Fox River/PCB Issue – Attorney Gunz reported on the insurance company movement in this issue. Payments have been received from Bituminous Insurance Company; payments are expected soon from General Casualty; and, Employers has agreed to go back to June 2008 in covering legal costs. Approximately \$450,000 - \$470,000 has been received. General Casualty originally sued the Commission saying there was no coverage but has since agreed to dismiss the lawsuit with a tolling agreement. \$40,000 was spent to have an expert come in to reconstruct from records who the insurance carriers were for the Commission in the 1950's to 1980's. Davis & Kuelthau will now bill the insurance companies directly. Hartford Insurance has not yet agreed to participate in the costs and it is felt they may be proposing a lump sum settlement. Litigation is scheduled to start December 1; it may be moved back to January. Once the litigation starts, the attorney bills will become enormous. Commissioner R. Zielinski questioned who devised the formula as to what amounts do the insurance

companies pay? It is believed that some type of cost sharing agreement has been reached between the insurance companies. They have agreed to pay 100% of the bills.

Motion made by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to adjourn the closed session and return in regular open session. Motion carried unanimously. The Commission returned to Regular open session at 9:18 am.


President


Secretary

NEENAH-MENASHA SEWERAGE COMMISSION

Regular Meeting

Tuesday October 27, 2009

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

Present: Commissioners R. Zielinski, D. Youngquist, W. Helein, K. Bauer, G. Falck, W. Zielinski, T. Hamblin; Manager Much, Accountant Voigt, Attorney Thiel.

Also Present: Paul Much (MCO); Mike Sambs (Waverly); Scott Mahnke (McMahon); Attorneys William Mulligan (Davis & Kuelthau), James Godlewski (Neenah), Jeffrey Brandt and Pam Captain (Menasha); Mike King (Post Crescent).

Commissioner D. Youngquist questioned a discrepancy in the minutes for the start time of the Closed Session of August 25, 2009. The minutes listed two different start times for the meeting. It was determined the correct start time was 9:42 am. Motion made by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to approve the minutes of the Closed Session of August 25, 2009 as corrected. Motion carried unanimously. Motion made by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to approve the minutes of the Closed Session of September 25, 2009. Motion carried unanimously. Motion made by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to approve the minutes of the Regular Meeting of September 25, 2009. Motion carried unanimously.

Correspondence

There was no correspondence to be discussed:

Budget, Finance, Personnel

Accountant Voigt presented the preliminary financial statements for the month of September 2009. Commissioner D. Youngquist questioned some of the information contained within the reports; Accountant Voigt will check into the questions and respond back to Commissioner D. Youngquist. After discussion, motion made by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to conditionally accept the financial statements for the month of September upon acceptable response to questions on the reports, and place it on file. Motion carried unanimously.

Attorney John Thiel presented and discussed his October 12, 2009 retention letter. It was questioned what the paralegal rate would be to the Commission; an hourly range for paralegals was indicated in the retention letter. Attorney Thiel indicated the charge to the Commission for paralegals would be \$100 per hour. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to approve the retention of Attorney John Thiel as legal counsel for the Neenah-Menasha Sewerage Commission. Motion carried unanimously on a roll call vote.

Accountant Voigt presented MCO Invoices #13939, #13977, and #13975 in the amounts of \$118,252.31, \$514.65 and \$568.27. After discussion, motion by Commissioner R. Zielinski, seconded by Commissioner G. Falck to approve for payment MCO Invoices #13939, #13977, and #13975 and to pay the invoices after November 1. Motion carried unanimously.

Accountant Voigt presented the Accountants Report for the month of September. The money market rates have continued to decrease. The CDARS funds maturing on October 1, 2009 were reinvested for 4-weeks. These funds are maturing this week and will be reinvested again for another 4-week period. MCO generated \$3,287 in income to the Commission in September. The restricted cash balances are down \$171,876 from 2008; this is mainly due to cash disbursements from the Replacement Fund for the refurbishing of the final clarifiers. After discussion; motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to accept the Accountants Report for the month of September 2009. Motion carried unanimously.

Accountant Voigt presented for payment McMAHON invoices #48079 and #48080 in the amounts of \$1,424.00 and \$600.00. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to approve for payment invoices #48079 and #48080. Motion carried unanimously.

Operations, Engineering, Planning

Manager Much presented and discussed the operating report for the month of September 2009. The plant is running well. Manager Much reported the week after the last Commission meeting there was a fire on a boiler in the digester building. Siloxane coated a valve which did not properly close letting flames escape and burning insulation and wiring. By the time fire fighters arrived, the valve closed and the fire went out on its own. Manager Much reported that in the next 1-2 years we will be seeing massive retirements in the wastewater industry. There is not the interest and schools currently available to provide replacements for the people retiring. MCO has been hiring and training to fill the needs for its clients. MCO has been planning for transition here at the NMSC and they are okay for now. Manager Much also reported there have been many plants built 20-25 years ago and they have O&M manuals which are not totally current. We have begun looking at going to a digital format for an O&M manual. Madison MSD has been looking at this for several years and has not found a digital format that meets their needs. Manager Much suggested that looking at GIS systems could be an alternative for having O&M manuals in a digital format. We will keep researching to find what would best fit our needs. After discussion, motion by Commissioner R. Zielinski, seconded by Commissioner W. Helein to accept the operating report for the month of September 2009. Motion carried unanimously.

Manager Much reported to the Commission on the 230kW Biogas engine. The purchase agreement for the engine was that we were purchasing an engine that would work. When the German reps were here to start the engine the starter burned out. We were able to obtain a rebuilt started nearby; the rebuilt unit broke a gear. The two starters were then pieced together to make one working starter; found out another piece was broken on the engine, a temperature gas sensor. The gas was not being cooled; the cooling unit lost its Freon. We are now very close to getting the unit running.

McMahon Proposal for Services. Scott Mahnke (McMahon) addressed the Commission and discussed the proposal for preliminary design of the WWTP control system. The current system by SquareD no longer supports the hardware and software. The current system is approaching the frame of not being serviceable. The proposal would provide a report with recommendations on how to proceed. The 14-week time frame to complete was questioned. Manager Much indicated he could see it taking that long to complete based on the number of points to measure. It was also questioned if we would have a preliminary plan at the next meeting on what we are looking at based on all the items being discussed and being researched. It was questioned if the system would be an open architecture SCADA system. Scott Mahnke indicated yes, he would expect it to be. After discussion, motion by Commission D. Youngquist, seconded by Commissioner K. Bauer to except the Proposal for Professional Engineering Services for the Preliminary Design of the Wastewater Treatment Facilities Control System for the NMSC at a cost of \$19,500. Motion carried unanimously.

Old Business

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

Biosolids Management. Manager Much distributed and discussed a McMahon report on the Biosolids Storage Building Siting Update. The various options in the report were discussed. The next step in the Landfill site is for Chad Olsen to meet with the Landfill Board. Up to this point we have been meeting with landfill staff. Reedsville farmer – we expect to see a proposal in a week or two. Gizmo Farms – looking at biosolids as fuel for boiler. Veolia – have met with representatives and they are looking at putting a proposal together with building a building for storage. We could see something in a month or so. Arrowhead Park – there would be setback issues. Right now the landfill option looks to be the best option. We need to give Chad Olsen approval to approach the Landfill Board. Motion by Commissioner W. Helein, seconded by Commissioner D. Youngquist to authorize Chad Olsen of McMahon Associates to approach the County Landfill Board for the purposes of discussing options of placing a storage building on Landfill property. Motion carried unanimously.

HVAC System Update. They are working in the lab now, the project should be completed next week.

Motion made by Commissioner G. Falck, seconded by Commissioner R. Zielinski to convene into closed session pursuant to Wis. Stats. § 19.95(1) (g) to confer and review written and/or oral legal advice by legal counsel to the Commission as to litigation strategy and status of matters concerning the lawsuit(s) commonly referred to as the Fox River litigation and a separate and distinct matter involving a Notice of Claim received by the Commission from the Town of Neenah Sanitary District No. 2 which requests reimbursement of funds. Motion carried unanimously by Commissioners R. Zielinski, D. Youngquist, W. Helein, K. Bauer, G. Falck, W. Zielinski, T. Hamblin. Meeting entered into closed session at 8:58 am.

Commissioner K. Bauer requested to be excused from meeting to attend to personal matters. Request granted. Commissioner K. Bauer excused from meeting at 9:45 am.

Commissioner D. Youngquist requested to be excused from meeting to attend to personal matters. Request granted. Commissioner D. Youngquist excused from meeting at 9:58 am.

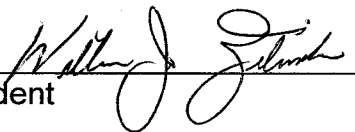
Motion made by Commissioner T. Hamblin, seconded by Commissioner R. Zielinski to adjourn the closed session and return in regular open session to take action on a Resolution in response to the Town of Neenah Sanitary District No. 2 Notice of Circumstances of Claim. Motion carried unanimously by Commissioners W. Helein, R. Zielinski, T. Hamblin, W. Zielinski, G. Falck. The Commission returned to Regular open session at 11:07 am.

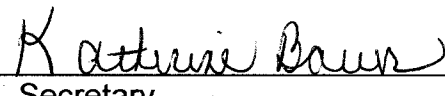
Motion by Commissioner R. Zielinski, seconded by Commissioner T. Hamblin to approve the text of the Resolution denying the September 15, 2009 Notice of Circumstances of Claim and further move the Commission resolve as stated in the Resolution. Roll call vote taken; voting aye: Commissioners W. Helein, R. Zielinski, T. Hamblin. Voting nay: Commissioner G. Falck. Motion carried.

Vouchers

Motion made by Commissioner R. Zielinski, seconded by Commissioner W. Helein to approve operating and payroll fund vouchers #131222 through #131301 in the amount of \$712,585.57 for the month of September. Motion carried unanimously.

Motion made by Commissioner R. Zielinski, seconded by Commissioner T. Hamblin to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 11:12 a.m.


President


Secretary

NEENAH-MENASHA SEWERAGE COMMISSION

Closed Session

Tuesday October 27, 2009

Motion made by Commissioner G. Falck, seconded by Commissioner R. Zielinski to convene into closed session pursuant to Wis. Stats. § 19.95(1) (g) to confer and review written and/or oral legal advice by legal counsel to the Commission as to litigation strategy and status of matters concerning the lawsuit(s) commonly referred to as the Fox River litigation and a separate and distinct matter involving a Notice of Claim received by the Commission from the Town of Neenah Sanitary District No. 2 which requests reimbursement of funds. Motion carried unanimously and all voting in favor of the motion were: Commissioners R. Zielinski, T. Hamblin, G. Falck, K. Bauer, W. Helein, D. Youngquist, W. Zielinski. Meeting entered into closed session at 8:58 am.

The Closed Session was called to order by Commission President W. Zielinski at 8:58 a.m.

Present: Commissioners R. Zielinski, T. Hamblin, G. Falck, K. Bauer, W. Helein, D. Youngquist, W. Zielinski; Manager Much, Attorney Thiel, Accountant Voigt.

Also Present: Paul Much (MCO); Attorney William Mulligan (Davis & Kuelthau); Attorneys Brandt and Captain (Menasha); Attorney Godlewski (Neenah).

Fox River Litigation – Attorney Mulligan addressed the Commission to provide advice and consultation as to the current status of the matter known as the Fox River Litigation. The Commissioners were informed of potential for resolution with plaintiffs and any other parties. The Commissioners were informed of potential settlement parameters that may be required in order to obtain a proper settlement between the Commission and any other parties. Pursuant to an invitation extended on behalf of the Commission; James Godlewski, City Attorney of the City of Neenah, Pam Captain, City Attorney of the City of Menasha, and Attorney Jeffrey Brandt, legal counsel to the City of Menasha all attended in order to keep them informed as to the advice from Attorney Mulligan.

Commissioner K. Bauer requested to be excused from meeting to attend to personal matters. Request granted. Commissioner K. Bauer excused from meeting at 9:45 am.

Commissioners discussed with legal counsel at length regarding potential settlement options and parameters.


Commissioner D. Youngquist requested to be excused from meeting to attend to personal matters. Request granted. Commissioner D. Youngquist excused from meeting at 9:58 am.

Commissioners continued discussion of potential settlement options and parameters. Upon completion of discussion, Attorneys Mulligan, Brandt, Captain, and Godlewski excused from meeting.

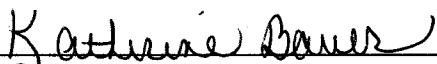
Town of Neenah Notice of Claim – Attorney John E. Thiel of John E. Thiel Law Office LLC addressed the Commission and provided legal advice concerning a September 15, 2009 Notice of Circumstances of Claim served on Roger Voigt, Midwest Contract Operations, Inc. and William Zelinski, Neenah-Menasha Sewerage Commission, by personal service on September 16, 2009 from the Town of Neenah Sanitary District No. 2, by Attorney John A. St. Peter, of Edgerton, St. Peter, Petak & Rosenfeldt, counsel to Town of Neenah Sanitary District No. 2.

The Commission discussed the Notice of Circumstances of Claim brought in reaction to the Commission's May 26, 2009 action by motion on the record to remove financial data in the form of actual user use since 1988 held in the form of "assets" and "liability" characterizations in the financial statements of the Commission. The Commissioners discussed the history leading to the 1988 ability for any user to pre-pay Capital Costs in 1988 and the then intent of such pre-payment; the reason the actual user information was retained over the past years; the discretion available to the Commission to take action in 2009 based upon the known 1988 facts and the retained historical data; and, a refresher as to the exercise of Commission discretion in approving the May 26, 2009 motion that has been challenged by the Town of Neenah Sanitary District No. 2.

Motion made by Commissioner T. Hamblin, seconded by Commissioner R. Zielinski to adjourn the closed session and return in regular open session to take action on a Resolution in response to the Town of Neenah Sanitary District No. 2 Notice of Circumstances of Claim. Motion carried unanimously. Motion carried unanimously and all voting in favor of the motion were: Commissioners R. Zielinski, T. Hamblin, G. Falck, W. Helein, W. Zelinski. The Commission returned to Regular open session at 11:07 am.



President



Secretary

NEENAH-MENASHA SEWERAGE COMMISSION

Regular Meeting

Tuesday November 24, 2009

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

Present: Commissioners R. Zielinski, D. Youngquist, W. Helein, K. Bauer, G. Falck, W. Zelinski, T. Hamblin; Manager Much, Accountant Voigt.

Also Present: Paul Much, Rob Franck, Jim Peichl (MCO); Mike Sambs (Waverly); Chad Olsen (McMahon); Teri Stecker (Diversified Insurance Services).

Motion made by Commissioner R. Zielinski, seconded by Commissioner W. Helein to approve the minutes of the Regular Meeting of October 27, 2009. Motion carried unanimously.

Motion made by Commissioner R. Zielinski, seconded by Commissioner W. Helein to approve the minutes of the Closed Session of October 27, 2009. Motion carried unanimously.

Correspondence

The following correspondence was discussed:

1. November 3, 2009 letter from Attorney John E. Thiel, NMSC to Mr. Don Verbrick, President Town of Neenah S.D. #2
RE: Notice of Disallowance and Denial of Notice of Circumstances of Claim.

Manager Much reported he was in attendance at a Sanitary District #2 meeting where he was questioned on the denial of the claim. He reported to the S.D. #2 Commissioners he could not respond to their questions since this was information discussed in a closed session of the NMSC. It was the feeling of Manager Much that the S.D. #2 Commissioners may not fully understand the situation and requested permission to discuss this issue further with S.D. #2 without discussing issues that were discussed by the NMSC in closed session. Motion made by Commissioner D. Youngquist, seconded by Commissioner K. Bauer to have Manager Much further explain the NMSC stance for denial of the claim with the S.D. #2 Commissioners. Motion carried unanimously.

2. November 17, 2009 email from Randall Much, NMSC to Steve Laabs, Town of Menasha Utility District.
RE: NMSC Mercury Reduction Program – New Dental Offices.

The following correspondence was presented at the meeting:

3. November 11, 2009 letter from Lisa Zilm, Travelers Insurance, to Roger Voigt, NMSC.
RE: Risk management tour of NMSC facility with no recommendations.

Budget, Finance, Personnel

Accountant Voigt presented the preliminary financial statements for the month of October 2009. Commissioner D. Youngquist questioned the accounts receivable balances contained within the reports; Accountant Voigt will provide additional detail in the account receivable subsidiary ledger to show how it ties into the general ledger balances. After discussion, motion made by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to accept the financial statements for the month of October and place it on file. Motion carried unanimously.

Accountant Voigt introduced Teri Stecker from Diversified Insurance Services. Teri reviewed with the Commission the Commercial Insurance Proposal for renewal of the property, liability, and workers compensation policies for calendar year 2010. The Commission is looking at an increase of \$400 over the 2009 rates. This increase is largely attributable to increases in building and plant values. The Commission was reminded that the property coverage deductible is at \$10,000. The Commission questioned coverage for pollution and defense costs; this was discussed at length. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to accept the Commercial Insurance Proposal for 2010 as presented. Motion carried unanimously.

Accountant Voigt presented the 2009 – 2010 Snow Plowing Agreement with Levenhagen Oil Corp; there is no increase in the hourly rates from last year. After discussion, motion by Commissioner R. Zielinski, seconded by Commissioner W. Helein to approve the 2009 – 2010 Snow Plowing Agreement with Levenhagen Oil Corp. Motion carried unanimously.

Accountant Voigt presented MCO Invoices #14027, #14062, and #14067 in the amounts of \$118,252.30, \$785.95 and \$571.91. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to approve for payment MCO Invoices #14027, #14062, and #14067 and to pay the invoices after December 1. Motion carried unanimously.

Accountant Voigt presented the Accountants Report for the month of October. MCO generated \$3,000 in income to the Commission in October. After discussion; motion by Commissioner D. Youngquist, seconded by Commissioner T. Hamblin to accept the Accountants Report for the month of October 2009. Motion carried unanimously.

Accountant Voigt presented for payment McMAHON invoices #48413, #48414 and #48254 in the amounts of \$374.00, \$346.50 and \$3,500.00. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to approve for payment invoices #48413, #48414 and #48254. Motion carried unanimously.

Accountant Voigt reported to the Commission there will be a Bond payment and interest payment made on December 1, 2009.

Operations, Engineering, Planning

Manager Much presented and discussed the operating report for the month of October 2009. The plant is running well. Staff is working with McMAHON personnel on upgrade planning. After discussion, motion by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to accept the operating report for the month of October 2009. Motion carried unanimously.

Manager Much reported to the Commission on the 230kW Biogas engine. Work is now in the final phase. We are working with Menasha Utilities to verify safety devices and to obtain certification statement. The safety devices are all in German and are in the process of being translated. Issues with the engine have been covered by the seller. There are verification items that are the responsibility of the NMSC. The engine runs smooth and is quiet. It will be about 3-weeks to get a needed relay installed.

McMahon Projects. Chad Olsen presented the Commission with a Preliminary Project List that included a Preliminary Opinion of Probable Cost for each project. The top 3 recommended projects are: 1) SCADA/Controls Replacement, 2) Boiler Biogas Conditioning, 3) Belt Press rehabilitation/replacement. Chad reported he will submit to the Clean Water Fund a notice of intent to apply for funding of the projects. Preliminary paperwork will be presented at the December meeting. Chad reported on rumors of stimulus funds becoming available again. Further discussion ensued on the SCADA System and financing issues.

Old Business

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

Biosolids Management. Manager Much reported that after the newspaper article in the Post Crescent regarding our biosolids issue, we've received calls from people showing interest in our biosolids product. Veolia will have an update for us by the end of the year. On December 2 there will be a presentation to the Winnebago County Solid Waste board at 9:00 am on our potential interest in building a storage building on the county landfill site.


HVAC System Update. The system is installed and pretty well debugged. They are working on getting the final adjustments made to the system.

Manager Much reported there is no information to be discussed in closed session, nor any actions to be taken.

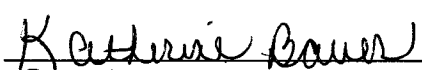
Vouchers

Motion made by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to approve operating and payroll fund vouchers #131302 through #131360 in the amount of \$431,938.15 for the month of October. Motion carried unanimously.

Motion made by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 9:22 a.m.



President



Secretary

NEENAH-MENASHA SEWERAGE COMMISSION

Regular Meeting**Tuesday December 22, 2009**

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

Present: Commissioners Raymond Zielinski, Dale Youngquist, William Helein, Gordon Falck, William Zielinski, Tim Hamblin; Manager Randall Much, Accountant Roger Voigt.

Excused: Commissioner Kathy Bauer.

Also Present: Rob Franck (MCO); Mike Sambs (Waverly); Chad Olsen (McMahon).

Minutes of the Regular Meeting of November 24. It was pointed out that the minutes incorrectly state W. Zielinski on page 2 and it should read R. Zielinski. After discussion, motion made by Commissioner Dale Youngquist, seconded by Commissioner Raymond Zielinski to approve the minutes of the Regular Meeting of November 24, 2009 as corrected. Motion carried unanimously.

Correspondence

The following correspondence was discussed:

4. Total Maximum Daily Load (TDML) Client Workshop.
RE: Workshop sponsored by McMAHON on TDML.

Commissioner Tim Hamblin requested to be signed up for this workshop. Chad Olsen will have his name added to the attendee list.

5. December 16, 2009 United States District Court Decision and Order Dismissing Plaintiff's (Appleton Papers Inc & NCR Corp) Claims for Contribution.
RE: Plaintiff motion for summary judgment denied.

The following correspondence was presented at the meeting:

6. Letter received Tom VanHandel.
RE: Expressing interest in being considered as a sludge hauler for the NMSC.

Budget, Finance, Personnel

Accountant Voigt presented the preliminary financial statements for the month of November 2009. The Commission is looking at being in a deficit of around \$50,000 at year end for its operations. After discussion, motion made by Commissioner Dale Youngquist, seconded by Commissioner Raymond Zielinski to accept the financial statements for the month of November and place it on file. Motion carried unanimously.

Manager Much presented and discussed the contract increase request by MCO for 2010. MCO will not request an increase based on the CPI. There will only be an increase in the insurances. The health insurance increase will be between 4 – 5 percent. After discussion, motion by Commissioner Dale Youngquist, seconded by Commissioner Raymond Zielinski to approve the contract increase for MCO for the 2010 calendar year. Motion carried unanimously.

Accountant Voigt presented MCO Invoices #14132, #14150, and #14152 in the amounts of \$120,117.17, \$41.87 and \$414.38. After discussion, motion by Commissioner Raymond Zielinski, seconded by Commissioner Tim Hamblin to approve for payment MCO Invoices #14132, #14150, and #14152 and to pay the invoices after January 1, 2010. Motion carried unanimously.

Accountant Voigt presented the Accountants Report for the month of November. MCO generated \$2,686 in income to the Commission in November. The large cash balance at Prospera Credit Union is to make the bond payment and bond interest payment on December 1. After discussion; motion by Commissioner Tim Hamblin, seconded by Commissioner Raymond Zielinski to accept the Accountants Report for the month of November 2009. Motion carried unanimously.

Accountant Voigt discussed the agreement with Wisconsin Public Finance Professionals, LLC (WPFP) to provide services for the required continuing disclosure filings related to our bond issue. These services were previously provided at no cost, but recent rule changes in the requirement for making these filings have necessitated these charges. The annual charges are \$500 per year. The annual charges will be waived in a calendar year if the NMSC retains WPFP to provided advisory services in that year. After discussion, motion made by Commissioner Dale Youngquist, seconded by Commissioner Tim Hamblin to approve the agreement with Wisconsin Public Finance Professionals, LLC. Motion carried unanimously. The Commission requested Accountant Voigt to contact Carol Wirth with WPFP to have her present at the next Commission meeting to further discuss this issue and to also discuss the potential for Commission need for funding for possible upcoming projects.

Accountant Voigt presented for payment McMAHON invoices #48925, #48926 and #48994 in the amounts of \$1,441.50, \$2,905.50 and \$4,875.00. Included with the McMAHON invoices was the 2010 Fee Schedules for McMAHON. Chad Olsen indicated there are no increases in the labor rates for 2010. After discussion, motion by Commissioner Dale Youngquist, seconded by Commissioner Tim Hamblin to approve for payment invoices #48925, #48926 and #48994. Motion carried unanimously.

Operations, Engineering, Planning

Manager Much presented and discussed the operating report for the month of November 2009. The plant is running well. We can see by the loadings that the industry's production is down. After discussion, motion by Commissioner Dale Youngquist, seconded by Commissioner Raymond Zielinski to accept the operating report for the month of November 2009. Motion carried unanimously.

Manager Much reported to the Commission on the 230kW Biogas engine. The last needed part came in on Monday. The part will be installed and the unit will go through a start-up process. Menasha Utilities is okay with the NMSC working with Steinmetz in verifying equipment & safety protection devices. Menasha Utilities has used Steinmetz for services; in particular, the steam plant. McMahon Projects. Chad Olsen reviewed with the Commission his memo regarding the wastewater treatment facility capacity and performance evaluation. When using clean water funding, we need to use East Central Wisconsin Regional Planning Commission population projection estimates for design. Plant data and future projections were reviewed. It was questioned if the NMSC would have any problems meeting new phosphorus limits. At this time we don't know what our limit would be; if the limit is low, we would have a problem meeting the limit. If the limit is higher, then we should be able to meet the limit.

Chad Olsen reviewed with the Commission the updated Preliminary Project List. The list now includes costs for a sludge storage building. In January or February there should be better cost estimates developed for the various projects.

Chad Olsen discussed the Clean Water Fund forms that are to be signed and submitted to the DNR. The forms include all the projects listed on the Preliminary Project List. After the forms are signed, they will be put in the mail today.

Control System Update. McMahon is in the process of doing the I/O work.

Old Business

Interceptor ownership. Manager Much reported that he has no new information to report at this time. It was questioned as to what can be done to move this along. It was responded that the City of Menasha has indicated they do not have the time to work out the issues. It was further questioned if our attorney should meet with the new Menasha attorney.

Biosolids Management. Manager Much reported there is a meeting on January 5 with Winnebago County to discuss this issue further. Manager Much reported the Landfill Board meeting in early December was positive in pursuing this issue. It was also reported that another hauler in the Greenville area looks to be a promising prospect.

Sludge Heat Transfer. The unit is up and running. It needs some debugging.

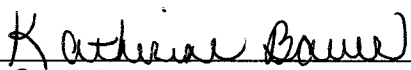
Town of Neenah S.D. #2. Manager Much reported he was unable to attend the last Sanitary District meeting. He will plan on attending the next meeting to further discuss the issue at hand.

Vouchers

The paid invoice for Gregory Kleinheinz and the need for his continuing services were questioned. His services are for monitoring the odor control system to insure proper conditions are maintained in the system to achieve optimum odor removal. After discussion, motion made by Commissioner Raymond Zielinski, seconded by Commissioner Dale Youngquist to approve operating and payroll fund vouchers #131361 through #131406 in the amount of \$341,962.24 for the month of November. Motion carried unanimously.

Motion made by Commissioner Raymond Zielinski, seconded by Commissioner Dale Youngquist to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 9:22 a.m.


President


Secretary

NEENAH-MENASHA SEWERAGE COMMISSION

Regular Meeting**Tuesday January 26, 2010**

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

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

Also Present: Paul Much, Rob Franck (MCO); Mike Sambs (Waverly); Chad Olsen (McMahon); Carol Wirth (WPFP); Robert Potratz, James Potratz (Gizmo Farms).

Motion made by Commissioner Raymond Zielinski, seconded by Commissioner Dale Youngquist to approve the minutes of the Regular Meeting of December 22, 2009. Motion carried unanimously.

Correspondence

The following correspondence was discussed:

7. January 12, 2010 letter from Catherine Girdley, Waverly Sanitary District to Roger Voigt, NMSC.
RE: William Helein reappointed as Commissioner to the NMSC.

Budget, Finance, Personnel

Accountant Voigt presented the preliminary financial statements for the month of December 2009. It was questioned which depreciation and replacement budgeted projects were not expended. Projects budgeted and not performed included aeration diffusers, micro turbines were budgeted but the project went with the purchase of the used gas engine, and gas scrubber for the micro turbines were some of the items. After discussion, motion made by Commissioner Dale Youngquist, seconded by Commissioner Raymond Zielinski to accept the preliminary financial statements for the month of December and place it on file. Motion carried unanimously.

Carol Wirth of Wisconsin Public Finance Professionals, LLC (WPFP) addressed the Commission. The Commission was presented with an introduction booklet providing further information on WPFP. Carol