

**CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
TUESDAY, July 5, 2011**

**6:00 PM
AGENDA**

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL/EXCUSED ABSENCES
- D. PUBLIC HEARING
- E. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THE CITY
(five (5) minute time limit for each person)
- F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS
1. Library Board President Jill Enos – Introduction of Vicki Lenz, new Library Director
 2. Clerk Galeazzi - the following minutes and communications have been received and placed on file:
Minutes to receive:
 - a. [Administration Committee, 6/20/11](#)
 - b. [Board of Public Works, 6/20/11](#)
 - c. [Board of Health, 5/11/11](#)
 - d. [Board of Review, 6/2/11](#)
 - e. [Committee on Aging, 5/12/11](#)
 - f. [Library Board, 6/16/11](#)
 - g. [Parks & Recreation Board, 6/13/11](#)
 - h. [Plan Commission, 6/21/11](#)
 - i. [NM Sewerage Commission, 4/26/11, 5/24/11](#)
 - j. [NM Sewerage Commission, 6/16/11; Special Meeting](#)
 - k. [Personnel Committee, 6/20/11](#)
 - l. [Redistricting Committee, 6/15/11, 6/27/11](#)Communications:
 - m. [City of Menasha v. WI Employment Relations Commission & City of Menasha Professional Police Union Local 603](#)
 - n. [Ald. Klein, 6/27/11; New police chief memo](#)
- G. CONSENT AGENDA
- (Prior to voting on the Consent Agenda, items on the Consent Agenda may be removed at the request of any Alderman and place immediately following action on the Consent Agenda. The procedures to follow for the Consent Agenda are: (a) removal of items from Consent Agenda; and (b) motion to approve the items from Consent Agenda.)
- Minutes to approve:
1. [Common Council, 6/20/11](#)
[Plan Commission, 5/17/11; recommends approval of:](#)
 2. [Driveway Installation Policy and set fee schedule](#)
[Plan Commission, 6/21/11; recommends approval of:](#)
 3. [The release of the Ingress and Egress Easement that divides the parking lot of Lake Park Swim and Fitness](#)
 4. [The Certified Survey Maps of Lake Park Villas – Section 1, Section 2 and Section 3 subject to the following:](#)
 - a. [Details shall be labeled A & B on the CSM labeled Section 2](#)
 - b. [The Waverly Sanitary District shall be added as an owner on the CSM's labeled Section 2 and Section 3](#)
 - c. [The CSM's labeled Section 2 shall be recorded after those labeled 1 and 3](#)

G. CONSENT AGENDA

Board of Public Works, 6/20/11; recommends approval of:

5. [Street Use Application – Race the Lake; Sunday, August 21, 2011; 7:00 AM – 9:15 AM \(Midwest Sports Events\)](#)
6. [Payment – Sam Sommers Concrete; Contract Unit No. 2011-02; New Street Construction-Concrete Curb and Gutter/Concrete Walk; \\$76,111.88\(Payment No. 1\)](#)

Personnel Committee, 6/20/11; recommends approval of:

7. [Amending the Personnel Policy Handbook, Article V, B. paragraph 11 regarding WRS Contributions for non-represented employees excluding Police & Fire non-union management to begin the second pay period in July, 2011](#)

H. ITEMS REMOVED FROM CONSENT AGENDA

I. ACTION ITEMS

1. [Accounts payable and payroll for the term of 6/17/11 to 6/30/11 in the amount of \\$967,838.11](#)
2. [Change of Agent for Ramsey & Ramsey, d/b/a R&R Bar, 2 Tayco Street to Mary Saunders, 2226 N. Bay Street, Appleton](#)
3. [Outdoor Alcoholic Beverage Application, Jitters Bar LLC, 23 Main Street, Menasha, Peter Kemps/Agent, July 5, 2011-June 30, 2012](#)

J. ORDINANCES AND RESOLUTIONS

1. [O-7-11 \(Substitute Amendment 1\) – An Ordinance Amending Chapter 2, Mayor and Common Council \(Recommended by Administration Committee\)\(Introduced by Ald. Sevenich\)\(2nd introduction\)](#)
2. [R -25 -11 - Resolution Acknowledging Review of City of Menasha 2010 Compliance Maintenance Annual Report Under Wisconsin Administrative Code NR 208 \(Recommended by Board of Public Works\)\(Introduced by Ald. Taylor\)](#)
3. [R-26-11- Resolution to Apply for Matching Grant Funds for the Gilbert Site through the Wisconsin Department of Natural Resources. \(Recommended by Administration Committee\) \(Introduced by Ald. Langdon\)](#)
4. [R-27-11 - Resolution Regarding Pick-up of Employee Retirement Contributions Pursuant to Section 414\(h\)\(2\) of the Internal Revenue Code \(Recommended by Personnel Committee\)\(Introduced by Mayor Merkes\)](#)
5. [R-28-11- Resolution Relating to Redistricting \(Recommended by Redistricting Committee\)\(Introduced by Ald. Englebert\)](#)

K. HELD OVER BUSINESS

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

M. CLAIMS AGAINST THE CITY

N. ADJOURNMENT

MEETING NOTICE

Regular Common Council Meeting – Monday July 18, 2011 - Council Chambers

Common Council – 6:00 p.m.

Administration Committee – 6:30 p.m.

Board of Public Works – 7:00 p.m.

CITY OF MENASHA
ADMINISTRATION COMMITTEE
Third Floor Council Chambers
140 Main Street, Menasha
June 20, 2011
MINUTES

A. CALL TO ORDER

Meeting called to order by Chairman Klein at 6:36 p.m.

B. ROLL CALL/EXCUSED ABSENCES

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

EXCUSED: Ald. Zelinski

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, Lt. Brunn, DPW Radtke, CDD Keil, C/T Stoffel, PRD Tungate, Clerk Galeazzi and the Press.

C. MINUTES TO APPROVE

1. [Administration Committee, 6/6/11](#)

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

Motion carried on voice vote.

D. ACTION ITEMS

1. [R-26-11 Resolution to Apply for Matching Grant Funds for the Gilbert Site Through the Wisconsin Department of Natural Resources. \(Introduced by Ald. Langdon\)](#)

PRD Tungate explained the grant funds being requested are for the Gilbert Mill Shoreline Restoration and Trail Project. Between grant funds and donations, the goal is to use little or no City funds for this project. The grant application deadline is July 15. The Resolution will be part of the application process.

Moved by Ald. Langdon, seconded by Ald. Sevenich to recommend approval to Common Council.

Motion carried on voice vote.

E. ADJOURNMENT

Moved by Ald. Sevenich, seconded by Ald. Langdon to adjourn at 6:41 p.m.

Motion carried on voice vote.

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

CITY OF MENASHA
Board of Public Works
Third Floor Council Chambers
140 Main Street, Menasha
June 20, 2011
MINUTES

DRAFT

A. CALL TO ORDER

Meeting called to order by Chairman Taylor at 6:42 p.m.

B. ROLL CALL/EXCUSED ABSENCES

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

EXCUSED: Ald. Zelinski

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, Lt. Brunn, DPW Radtke, CDD Keil, PRD Tungate, Tom Walsh (Fox Cities Greenways), Clerk Galeazzi and the Press.

C. MINUTES TO APPROVE

1. [June 6, 2011](#)

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

Motion carried on voice vote.

D. ACTION ITEMS

1. [Street Use Application – Race the Lake; Sunday, August 21, 2011; 7:00 AM – 9:15 AM \(Midwest Sports Events\)](#)

Moved by Ald. Krueger, seconded by Ald. Langdon to recommend approval to Common Council.

Motion carried on voice vote.

2. [Payment – Sam Sommers Concrete; Contract Unit No. 2011-02; New Street Construction-Concrete Curb and Gutter/Concrete Walk; \\$75,584.51 \(Payment No.1\)](#)

DPW Radtke explained the correct payment amount is \$76,111.88. The curb and gutter construction is complete. Project is moving along per schedule.

Moved by Ald. Krueger, seconded by Ald. Langdon to recommend approval in the correct Amount of \$76,111.88 to Common Council.

Motion carried on voice vote.

3. [Recommendation to Install Marked Bike Lanes on STH 47 from Third Street to Ninth Street](#)

Tom Walsh from Fox Cities Greenways explained the concept of establishing bike and pedestrian trails through the Fox Valley and specifically along the STH 47 corridor. Fox Cities Greenways has been meeting with City officials from cities of Menasha, Neenah, Appleton and Town of Menasha to establish proposed routes for connecting trails and walkways.

Discussion ensued on concerns with parking along that corridor.

Moved by Ald. Benner, seconded by Ald. Englebert to hold for more information.

Item is held.

4. [Resolution R -25 -11 Acknowledging Review of City of Menasha 2010 Compliance Maintenance Annual Report Under Wisconsin Administrative Code NR 208](#)

DPW Radtke explained the Compliance Maintenance Annual Report. The financial system portion of the report received a grade of an “A” and the collection system portion received a grade of an “F”. The failing grade is a result of two bypass occasions last year resulting from extremely heavy rainfall events. Because of the failing grade the City needs to adopt a resolution indicating the City’s acknowledgement of the status and support for improvements to the system.

Moved by Ald. Sevenich, seconded by Ald. Langdon to recommend approval to Common Council.

Motion carried on voice vote.

E. ADJOURNMENT

Moved by Ald. Klein, seconded by Ald. Krueger to adjourn at 7:15 p.m.

Motion carried on voice vote.

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

Menasha aldermen occasionally attend meetings of this body. It is possible that a quorum of Common Council, Board of Public Works, Administration Committee, Personnel Committee may be attending this meeting. (No official action of any of those bodies will be taken).

**CITY OF MENASHA
BOARD OF HEALTH
Minutes
May 11, 2011**

A. Meeting called to order at 8:06 AM by Chairman C. Rusin.

B. Present: Lori Asmus, Dorothy Jankowski, Dr. Teresa Rudolph, Candyce Rusin, Susan Nett

C. MINUTES TO APPROVE

1. Motion to approve minutes from April 13, 2011 meeting made by D. Jankowski and seconded by L. Asmus. Motion carried.

D. REPORT OF DEPT HEADS/STAFF/CONSULTANTS

1. April 2011 Communicable Disease Report distributed. No discussion.
2. Community Needs Assessment Update—S. Nett reported she and the committee met and reviewed the draft information with a representative from St. Norbert College. The report probably won't be ready until late summer.
3. Consolidation Study Update—S. Nett reported the next meeting with Baker/Tilly is scheduled for May 24th. The question of service provision for Calumet County residents is still being reviewed. Board members questioned where the school service would fit in. C. Rusin indicated if the health department couldn't remain as is, then she would be in favor of pursuing a merger with Neenah Health Department.
4. County Health Rankings Report for 2011 distributed. S. Nett reported she will be attending a training meeting on how to engage partners and key stakeholders around the rankings and related community health priorities and efforts.
5. Grant Objectives 2011---at this time, the department is on track for achieving the objectives identified for the grant funding for this year.
6. Brain Walk—the health department will again have a table for the Library's annual Brain Walk on June 21st.

E. ACTION ITEMS

1. Election of Chairman—Motion made by L. Asmus and seconded by D. Jankowski to nominate Candyce Rusin as Chairman. No other nominations made. Motion carried.
2. Election of Vice Chairman---Motion made by T. Rudolph and seconded by D. Jankowski to nominate Lori Asmus as vice chairman. No other nominations made. Motion carried.
3. Election of Secretary—S. Nett volunteered to remain as secretary. Motion made by T. Rudolph and seconded by D. Jankowski to have S. Nett remain as secretary. Motion carried.
4. WALHDAB 2011-12 Ballot for Co-President Elect Board of Health, Health Officer, and Secretary. S. Nett explained the BOH needs to submit a ballot for Wisconsin Association of Local Health Departments and Boards annual election. All three positions listed above each have one name. S. Nett made a motion and seconded by T. Rudolph to cast a ballot for Kathy Mai BOH co-president, Linda Conlon Health Officer

"Menasha is committed to its diverse population. Our Non-English speaking population and those with disabilities are invited to contact the Menasha Health Department at 967-3520 at least 24-hours in advance of the meeting for the City to arrange special accommodations."

co-president, and Patty Krug secretary. Motion carried. S. Nett to submit the ballot by mail.

F. HELD OVER BUSINESS

None

G. Motion to adjourn at 9 AM made by L. Asmus and seconded by T. Rudolph. Motion carried. Next meeting June 8, 2011.

CITY OF MENASHA
BOARD OF REVIEW
Third Floor Council Chambers
140 Main Street, Menasha
June 2, 2011
MINUTES

A. CALL TO ORDER

Meeting called to order by Clerk Galeazzi at 10:00 a.m.

B. ROLL CALL/EXCUSED ABSENCES

PRESENT: Commissioner Klundt, Bayer, Zielinski, Eckrich, Kordus, Rudolph (alternate only)

ALSO PRESENT: CA/HRD Captain, Mark Brown from Associate Appraisal, Clerk Galeazzi, Court Report Lisa Nowak from Henes & Associates

C. ACTION ITEMS

1. Select Chairman

Clerk Galeazzi opened the floor for nominations for Chairman.

Moved by Comm Zielinski, seconded by Comm. Klundt to nominate Comm. Bayer as Chairman.

Moved by Comm. Zielinski, seconded by Comm. Eckrich to close nominate.

Motion carried on voice vote.

Motion for Comm. Bayer as Chairman carried on voice vote.

Comm. Bayer took over.

2. Select Vice-Chairman

Chairman Bayer opened the floor for nominations for Vice-Chairman.

Moved by Comm. Klundt, seconded by Comm. Eckrich to nominate Comm. Zielinski as Vice-Chairman.

Hearing no other nominations, Chairman Bayer called the nominations to a close.

Motion for Comm. Zielinski as Vice-Chairman carried on voice vote.

3. Clerk's Report – Certification of Board Members

Clerk Galeazzi reported the notice of the Board of Review was published in the Appleton Post Crescent (official City newspaper) on May 16, 2011 and also posted at City Hall, the Post Office, the Library and the Utilities. She also reported Comm. Bayer, Zielinski and Kordus went through training and are certified for the next 2 years. Also certified are Comm. Klundt, Eckrich and Rudolph.

4. Examine Assessor's Roll

Commissioners elected to review the Assessor's Roll after hearing the cases.

5. Hearing Objections, Review, Board Determinations

- a. John Ostrowski, 513 Appleton Street, Jan Krueger appearing on behalf of property owner. Parcel #4-00078-00, Land Value \$21,100; Improvements \$ 79,400; Total \$100,500.

Clerk swore in Mark Brown, Assessor and Jan Krueger.

Jan Krueger stated it is her opinion the fair market value of the property should be \$90,000 based on a real estate proposal recently done by Remax Realty. There have been some recent upgrades to the property.

a. John Ostrowski, 513 Appleton Street. Cont'd.

Assessor Mark Brown explained the Property Record Report on the property. He pointed out the Real Estate Proposal referred to by Ms. Krueger was completed in 2011. The current assessed value is as of January 1, 2011. The upgrades to the property were completed in 2011.

Deliberation: Committee discussed the facts presented.

Moved by Comm. Zielinski, seconded by Comm. Kordus to sustain the Assessor's valuation.

Moved by Comm. Eckrich, seconded by Comm. Klundt to include in original motion, the property owner did not present enough evidence to change the Assessor's value.

Motion on amendment carried on roll call 5-0.

Motion as amended carried on roll call 5-0.

b. Robert Burke, 115 Madison Street, Craig Weborg, appearing on behalf of property owner. Parcel #3-00750-00. Land Value \$11,400; Improvements \$54,500; Total \$65,900.

Clerk swore in Craig Webor

Mr. Webor was asked to state what he feels is a fair market value as it was not listed on the objection form. Mr. Webor stated \$39,900. The property was purchased as a foreclosure and feels the current assessed value did not take into consideration the foreclosure. He used property in Appleton as comparisons. The property is currently being rented at \$500 per month.

Assessor Mark Brown explained the Property Record Report and the comparisons used were located in Menasha.

Deliberation: Committee discussed the facts presented.

Moved by Comm. Eckrich, seconded by Comm. Bayer to sustain the Assessor's valuation as the property owner did not present enough evidence to change the value.

Motion carried on roll call 5-0.

c. Robert Burke, 637 Broad Street, Craig Weborg, appearing on behalf of property owner. Parcel #5-00348-00. Land Value \$24,500; Improvements \$54,500; Total \$79,000.

Clerk reminded Mr. Weborg he was still under oath.

Mr. Webor was asked to state what he feels is a fair market value as it was not listed on the objection form. Mr. Webor stated \$49,900. The property was purchased as a foreclosure and feels the current assessed value did not take into consideration the foreclosure. The property is currently being rented at \$625 per month.

Assessor Mark Brown explained the Property Record Report.

Deliberation: Committee discussed the facts presented.

Moved by Comm. Zielinski, seconded by Comm. Klundt to sustain the Assessor's valuation as the property owner did not present enough evidence to change the value.

Motion carried on roll call 5-0.

d. James Klumpp, 232 Sunset Drive. Parcel #2-00667-00. Land Value \$26,300; Improvements \$83,800; Total \$110,100

Clerk swore in James and Julie Klumpp.

Mr. and Mrs. Klumpp presented an appraisal that was done on May 5, 2011. They purchased the property on May 18, 2011 for \$80,750. Based on the appraisal and recent purchase it is their option that the fair market value of the property is \$90,000. It is currently being rented for \$647 per month.

- d. James Klumpp, 232 Sunset Drive. Parcel #2-00667-00. Land Value \$26,300; Improvements \$83,800; Total \$110,100. Cont'd.

Assessor Mark Brown explained the Property Record Report. He pointed out the assessed value is as of January 1, 2011 and the appraisal presented was as of May 5, 2011. The property owner did not appear at Open Book.

Deliberation: Committee discussed the facts presented.

Moved by Comm. Eckrich, seconded by Comm. Zielinski to sustain the Assessor's valuation as the property owner did not present enough evidence to change the value.

Motion carried on roll call 5-0.

- e. David Gloss, 2432 Trumpeter Swan Lane, Parcel #7-00700-62. Land Value \$65,000; Total \$65,000.

Clerk swore in David Gloss

Mr. Gloss stated he purchased the lot for \$60,000 in 2007. He has had the property for sale since 2007. Based on the current condition of the housing market in his opinion the fair market value should be \$40,000

Assessor Mark Brown explained the Property Record Report. He discussed the vacant land sales used for comparisons.

Deliberation: Committee discussed the facts presented.

Moved by Comm. Bayer, seconded by Comm. Echrich to sustain the Assessor's valuation as the property owner did not present enough evidence to change the value.

Motion carried on roll call 5-0.

- f. Corey Gordon, 809 Sixth Street, Parcel #5-00436-00. Land Value \$16,900; Improvements \$58,100; Total \$75,000

Clerk swore in Corey Gordon

Mr. Gordon stated it is his opinion the fair market value of the property should be \$70,000 based on a recent appraisal he had done for refinancing purposes. He did attend the Open Book and the Assessor did reduce it to \$75,000. He had asked the Assessor for the property comparisons used.

Assessor Mark Brown explained the Property Record Report. The property value was reduced at Open Book. The appraisal presented by the property owner was for refinancing purposes

Deliberation: Committee discussed the facts presented.

Moved by Comm. Klundt, seconded by Comm. Zielinski to sustain the Assessor's valuation as it was already reduced at Open Book.

Motion carried on roll call 5-0.

- g. Dean Basten, 2475 Whistling Swan Court, Parcel #7-00700-34 Land Value \$89,800; Improvements \$600,200; Total \$690,000.

Clerk swore in Dean Basten

Mr. Basten presented an appraisal done on June 25, 2010 for refinancing purposes. He attended Open Book and the Assessor did reduce the value. It is his opinion that the fair market value should be at \$635,000. The assessed value is higher than the appraised value of June, 2010

Assessor Mark Brown explained the Property Record Report. The property is on the higher end of City of Menasha homes. The property value was reduced at Open Book. The appraisal presented by the property owner was for refinancing purposes

- g. Dean Basten, 2475 Whistling Swan Court, Parcel #7-00700-34 Land Value \$89,800; Improvements \$600,200; Total \$690,000. Cont'd.

Deliberation: Committee discussed the facts presented.

Moved by Comm. Eckrich, seconded by Comm. Zielinski to sustain the Assessor's valuation as the Assessor presented better evidence supporting the valuation.

Motion carried on roll call 5-0.

- h. Karlene Zeininger Trust, Jon Zeininger, Trustee, 618-622 Airport Road, Parcel #4-00795-01. Land Value \$65,700; Improvements \$346,200; Total \$ 411,900.

Clerk swore in Jon Zeininger.

Mr. Zeininger explained this is commercial property. They are trying to settle the estate of Karlene Zeininger. The property needs a new roof. Estimate for a new roof would be about \$30,000. He did not attend the Open Book. There are two units in the building. One unit is occupied by Fox Stamp; the other unit has been vacant for approximately 24 months. Using the income approach method it is his opinion the fair market value of the property should be \$244,000.

Assessor Mark Brown explained the Property Record Report. He was not aware of the condition of the roof. He would have no objection if the Board of Review wanted to adjust the assessed value to take into consideration the condition of the roof.

Deliberation: Committee discussed the facts presented.

Moved by Comm. Zielinski, seconded by Comm. Kordus to set the full value of the property as: Land \$65,700, Improvements \$304,300, Total \$370,000 as stated by the Assessor because of the condition of the roof.

Motion carried on roll call 5-0.

5. Approve Minutes

Clerk Galeazzi read the minutes into the record.

Moved by Comm. Eckrich, seconded by Comm. Zielinski to approve minutes as read.

Motion carried on voice vote

Commissioners examined the assessment rolls

Moved by Comm. Eckrich, seconded by Comm. Zielinski to accept the 2011 Assessor Roll as true and correct as presented to the Board of Review including the one change made by the Board of Review.

Motion carried on roll call 5-0.

Clerk Galeazzi announced the Notice of Board of Review Determination for all cases heard by the Board of Review have been prepared and mailed to the property owners.

D. ADJOURNMENT – Sine Die

Moved by Comm. Zielinski, seconded by Comm. Eckrich to adjourn sine die at 3:00 p.m.

Motion carried on voice vote.

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

Menasha aldermen occasionally attend meetings of this body. It is possible that a quorum of Common Council, Board of Public Works, Administration Committee, Personnel Committee may be attending this meeting. (No official action of any of those bodies will be taken).

**CITY OF MENASHA
COMMITTEE ON AGING
Minutes
May 12, 2011**

- A. Meeting called to order at 7:48 AM by Chairman J. Klundt.
- B. Present: Joyce Klundt, Peg Malueg, John Ruck, Mary Lueke, Sue Steffen, Lee Murphy, Sue Nett, Jean Wollerman.
Guest: Stacy Parish
- C. MINUTES TO APPROVE
1. Motion to approve minutes from April 14, 2011 meeting made by P. Malueg and seconded by S. Steffen. Motion carried.
- D. REPORT OF DEPT HEADS/STAFF/CONSULTANTS
1. J. Wollerman, Older Adult Coordinator presented the monthly report for the senior center for April. The number of visits was 1187 as compared to 1181 for 2010. The next Brat Fry is scheduled for Memorial Day weekend and volunteers are still needed to assist. BINGO will start again on a monthly basis due to a number of outside agency supporters. 31 seniors attended Bingo in April. Dartball will start as a new activity based on a request from a group of seniors. The annual Senior Games will be held on Aug. 16th at Riverside Park in Neenah. This year is the 25 year anniversary of the games. The cost of the event will remain the same as in the past due to a number of donations from community groups.
 2. J. Wollerman asked for approval of a multi use rental on Sunday nights during the month of June per the rental policy of the senior center. Motion to approve a multi-use rental on Sunday nights during the months of May and part of June made by L. Murphy and seconded by S. Steffen. Motion carried.
- E. Action Items
1. Election of Chairman—Motion made by L. Murphy and seconded by S. Steffen to nominate J. Klundt as chairman of the committee on aging. No other nominations made. Motion carried.
 2. Election of Vice Chairman---Motion made by P. Malueg and seconded by L. Murphy to nominate S. Steffen as vice chairman of the committee on aging. Not other nominations made. Motion carried.
 3. Election of Secretary—S. Nett volunteered to continue as secretary.
 4. Approval of Advocap Mealsite Agreement Jan 1, 2011 through Dec. 31, 2011—Committee members reviewed the Advocap Mealsite agreement. Item #4 under Program Shall Provide was changed---etc. was removed and replaced with specific item names of sugar, creamer, towels and dishcloths. Item #5 under the same heading was revised to include "bin of utensils". Item #6 under Facility and Program Shall Agree needs to be changed---incomplete sentence. J. Wollerman will work with Advocap to re-word the sentence. Motion to approve the Advocap Mealsite Agreement with the recommended changes made by P. Malueg and seconded by M. Lueke. Motion carried.

5. Review Policy on Party Ticket Refund—committee members reviewed this policy and recommended it remain as is.
6. Review Policy on Trip Ticket Refund—committee members reviewed this policy and recommended it remain as is.
7. Review Policy on fundraising—committee members reviewed this policy. Motion made by J. Ruck and seconded by J. Klundt to remove the statement “any requests for exceptions when other organizations are involved need to be approved by the Committee on Aging one month prior to the event.” Motion carried.
8. Cancellation of July COA Meeting—The July 14th meeting will be cancelled due to vacations.
9. Re-naming of Small and Activity Rooms—J. Wollerman reported some opposition to naming the smaller room the Cozy Room and asked committee members to re-consider naming the room. After discussion of different names, motion made by P. Malueg and seconded by J. Ruck to re-name the small room the River Room. Motion carried. J. Wollerman reported some opposition as well to naming the mid size room the Activity Room. Committee members discussed other options but decided the name would stay as the Activity Room as voted on at a previous meeting.

F. HELD OVER BUSINESS

1. Continued Discussion on Senior Center Goals—committee members spent considerable time discussing short term versus long range goals. J. Ruck volunteered to write some goals based on the discussion and will bring them to the next meeting.

G. Motion to adjourn at 10:07 AM made by P. Malueg and seconded by L. Murphy. Motion carried. Next meeting June 9, 2011.

D R A F T
MINUTES OF REGULAR MEETING
ELISHA D. SMITH PUBLIC LIBRARY TRUSTEES
June 16, 2011

Call to order at 4:05 p.m. by President Enos

Present: Crawmer, Eisen, Enos, Murray, Werley, Wicihowski

Absent: Brunette, Wisneski

Also present: Interim Director P. Nelson, K. Seefeldt (Administrative Assistant), C. Brandt (Head of Circulation Services), J. Bongers (Head of Adult & Technical Services), Director Vicki Lenz

Public Comment

Werley informed the Board that she had agreed to continue representing the school district on our Board at the request of Bob Kobylski, Superintendent of Schools. Werley will retire from the district at the end of their 2011 summer school session.

Introduction of New Library Director

Vicki Lenz was introduced to the Board as our new Director. She is scheduled to begin work on Monday, June 27th.

Authorization of Bills

1. **Motion** to authorize payment of the June list of bills from the 2011 budget by Eisen, seconded by Wicihowski, and carried unanimously.

Consent Business

2. Accept minutes of the Executive Director Search Committee meeting of May 11, 2011
3. Approve minutes of the Library Board meeting of May 19, 2011

Motion

Motion to approve minutes from the Library Board meeting of May 19, 2011 and accept the minutes from the Executive Director Search Committee meetings of May 11, 2011 by Murray, seconded by Wicihowski, and carried unanimously.

Director's Report/Information Items

4. Statistics. Interim Director Nelson reported that we are continuing to follow previous lending trends, but appear to be closing the gap. Werley expressed concern regarding the decline in children's lending. Nelson recapped continued efforts by staff in the Children's Department to address this concern. They include routine weeding of the collection, making use of special displays and maintaining an appealing appearance of the collection. He assured the Board that this concern would be taken into consideration when we evaluate our long range goals and objectives.
5. Leadership Fox Cities. The Fox Cities Chamber of Commerce & Industry sponsors Leadership Fox Cities, a 9-month course designed to instill a commitment to community services. Interim Director Nelson recommended that the Board encourage the new director to participate in the

program, noting that it would offer opportunities for the library to establish valuable connections within our community. Membership fees could be paid for by the Friends of the Library. We will explore the option of partnering with the City's existing member in this program as a cost savings. Enos recommended that our library extend an offer to host some of the program's meetings.

6. 2012 Winnefox Library System Budget and 2012 Winnefox Automated Library System Fee Structure. Interim Director Nelson met with other Winnefox member library directors on May 31 to review the proposed 2012 budget plan. As a result of Fond du Lac Public Library leaving the WALs shared automation system and a 10% State reduction in aid to public libraries in the first year of the 2011-13 biennium, it will be necessary to reduce expenditures by approximately \$260,000. A number of cuts were proposed, as well as alternatives to the WALs fee structure. Options for reducing the fee structure were reviewed. These were based on the assumption that Winnefox will increase its contribution from \$80,000 to \$194,000. For the most part, the directors favored no change in the base fee of \$6,800. Adjustments to the proposed WLS budget were reviewed. A preliminary draft of the budget will be presented to the Winnefox Library System Board in July, with final approval taking place in September.
7. Technology-Related Services of the Winnefox Library System. Interim Director Nelson gave an overview of many of the services provided to all member libraries in the Winnefox Library System. These included infrastructure, the shared automated system, personal computer support, website development and staff e-mail. He recommended that our library explore the option of an on-line record keeping system as a means to track staff schedules, absence requests and other similar needs.
8. Dark Clouds on the Horizon: UW System Omnibus Bill Motion, Sections 23-26. Interim Director Nelson reported that the State Assembly voted to pass a budget that included deleting plans to dismantle WiscNet. WiscNet is the Internet service provider for Winnefox Library System and most of the schools, colleges, universities and other public library systems in Wisconsin. We were encouraged to continue monitoring this situation until the final version of the budget bill has been signed by the Governor.
9. Wireless Usage Statistics. Winnefox Library System now provides a monthly report on the number of devices that have connected to an individual library's wireless service. Menasha had 1236 for the month of May. We anticipate including this information within our monthly statistical report.
10. Comment Worth Sharing: "Book Reader" vs. "Book Owner." John Makinson, chief executive of Penguin Group publishers, assured readers of the Wall Street Journal that there will always be a market for physical books.
11. Long Range Plan 2008-2012. Interim Director Nelson gave a brief overview on how long-range planning developed in libraries. He felt this was a good time for our new director to review the content of the library's existing long-range plan. Menasha's changing demographics were discussed. Nelson noted there were some missing entries in the demographics graph that was included in his report. We will include a revised copy of that in the library's files. Werley stated that when new objectives are written, they must be measurable.
12. Library Services and Technology Act Grant Update. We received the remainder of our funding for the Menasha Job Lab grant, i.e., \$4,500 of the \$6,000 awarded.
13. Other Donations. We received \$620 in donations in memory of Helen Fahrback, \$50 for children's materials in honor of Linda Groh's retirement and \$56 for the Friends of Menasha Library in memory of John Dombeck.

14. Audit. Schenck SC conducted an annual audit of the library's accounts on June 9. All of our financial records were found to be in order.

Discussion/Action Items

15. Library Board Nominating Committee. Patrick Murray, Kathy Wicichowski and Jill Enos volunteered to serve on this committee. They will present a slate of nominees for board officers at the July meeting. Nominations from the floor will also be accepted.

16. Proposal for Elevator Repair. Building Supervisor Adam Alix continues to monitor this situation. He recently reported that he had not had to resynchronize the elevator in the past week or so. He plans to contact Kone to see if an issue other than the jacks and valves may be causing the existing problem.

The importance of having a contingency fund for expenses like this was addressed. It was recommended that we have DPI confirm whether the Library Board has authority over any budget funds that remain at year end.

There was a consensus to request Adam Alix to update the Finance and Building & Grounds Committees on the status of the facility overall and any anticipated repairs. The Committees will report their findings to the Board at their August or September meeting.

Joe Bongers left the meeting at 5:02 p.m.

17. Interim Director's Departing Thoughts. Interim Director Nelson shared his ideas regarding changes or additions that could be made to benefit our library. They included developing a flyer to promote membership on the Board, revisit the topic of adding a county appointment to our Board, create an organization chart that includes staff members with job titles and full-time equivalency status, update job descriptions where needed, develop an improved method of sharing staff schedules, develop a method for tracking issues within the building and inappropriate patron behaviors, review the library's space needs and organization of its collections, reduce the size of the adult reference collection, reduce the size of adult fiction and nonfiction collections, and consider more effective means of displaying and marketing paperbacks.

Cate Brandt left the meeting at 5:25 p.m.

Announcements

1. Paul Eisen stated the Oshkosh Northwestern reported recently that the Carter Memorial Library in Omro began working with fundraiser Boris Frank from Madison. They are planning to assess whether the economic climate is suitable to begin soliciting donations to their library. Eisen reminded members that he had recently attended Frank's fundraising workshop sponsored by Winnefox Library System and that an on-line video of that was available.
2. Administrative Assistant Kris Seefeldt reported that the library partnered once again with the Arc Fox Cities on an entry in the Memorial Day parade. Participants along the parade route enthusiastically supported both groups. Interim Director Nelson encouraged us to find ways to connect with these community supporters.
3. Eisen extended an invitation to the Library Board and staff members to join him and his family at a July 4th celebration at his home. A copy of the invitation will be posted in the staff lounge.

Adjournment

Motion to adjourn the meeting at 5:30 p.m. by Werley seconded by Wicichowski and carried unanimously.

Future meeting dates

The next regular Board meeting will be held in the Gegan Room on Thursday, July 21, 2011 at 4:00 p.m.

Respectfully submitted,
Paul Eisen, Secretary
Kris Seefeldt, Recording Secretary

CITY OF MENASHA
Parks and Recreation Board
Council Chambers, City Hall – 140 Main Street
June 13, 2011
DRAFT MINUTES

A. CALL TO ORDER

The meeting was called to order by Chr. Dick Sturm at 6:01 p.m.

B. ROLL CALL/EXCUSED ABSENCES

1. MEMBERS PRESENT: Chr. Dick Sturm, Ald. Mark Langdon, Luke Schiller, Lisa Hopwood, Nancy Barker, and Sue Pawlowski

MEMBERS EXCUSED: Ron Suttner

OTHERS PRESENT: PRD Tungate, PS Maas, Julie Pollnow – ThedaCare Picnic, Derek Hughes – New Wheelers Bike Race and Joe and Mary Jo Weidert – Sunrunner

C. MINTUES TO APPROVE

1. **Minutes of the May 9, 2011 Park Board Meeting**
Moved by N. Barker, seconded by S. Pawlowski to approve the May 9, 2011 Park Board meeting minutes. Motion carried 6-0.

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

Five (5) minute time limit for each person.

1. No one spoke.

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

1. **Department Report – PRD Tungate**
PRD Tungate reported that the pool has opened, couple of warm days but mostly cool weather so far, recreation programs have also started. In an effort to run summer rec. classes more cost effectively in some cases, fewer class periods were offered. So far, registration has been good with better attendance in many time periods. Two new kayak/canoe launches were dedicated on May 24; good attendance.
2. **Park Project, Forestry and Vandalism Report – PS Maas**
PS Maas reported that some vandalism occurred to lights along the trail near Heckrodt Wetland Reserve, other vandalism at the Clovis Grove park shelter, new pvc pipe installed into the surge tank at the pool, soft rubber playground surfacing material has been shipped, a lot of grass cutting, purple Emerald Ash Borer traps placed around the city, more stump clearing still has to occur.

F. DISCUSSION

1. **Regional Park Update – PRD Tungate**
PRD Tungate reported the three communities recently met to discuss the viability of a parcel of land near the corner of Manitowoc Road and Lake Park Road. The site meets the criteria for serving all these communities. A Kimberly soccer organization has expressed an interest in perhaps partnering in some way on acquisition and development of the park. A simple park facility layout map was reviewed by the Board. Board members agreed that staff should also identify some smaller park options just in case this larger park option does not move forward.

2. **Gilbert Site Update – PRD Tungate**

PRD Tungate updated the Board on progress at the Gilbert site. Staff from both Community Development and Parks is working with RA Smith to prepare a DNR grant application by July 15.

3. **Smith Park Garden – East Side Tree Planting – N. Barker**

PS Mass was in agreement to a suggestion to plant trees on the east side of the Smith Park garden area to balance the look of the current landscape.

G. ACTION ITEMS

1. **Recommend Proclamation Designating July as Parks and Recreation Month**

Moved by Ald. M. Langdon, seconded by L. Hopwood to recommend the Mayor designate July as Parks and Recreation month. Motion carried 6-0.

2. **Approve ThedaCare Picnic to be held September 17, 2011 in Jefferson Park – Anna Portelli**

Moved by S. Pawlowski, seconded by N. Barker to approve the ThedaCare picnic to be held September 17, 2011 in Jefferson Park. Event coordinator, Julie Pollnow, indicated that fireworks would not be part of this year's event. Motion carried 6-0.

3. **Approve Sunrunner Events to be held June 16, June 30, July 7, July 21, August 11 and August 18, 2011 in Curtis Reed Square – Mary Jo Weidert**

Moved by N. Barker, seconded by L. Schiller to approve Sunrunner events sponsored by Menasha Action Council (MAC) to be held June 16, June 30, July 7, July 21, August 11 and August 18, 2011 in Curtis Reed Square. Joe and Mary Jo Weidert represented MAC and described the music and movie event. Park staff will coordinate area set up details. Motion carried 6-0.

4. **Approve New Wheelers Bike Race Event Sponsored by O2 Cycling to be held August 14, 2011 in the Jefferson Park Vicinity – Derek Hughes**

Moved by Ald. M. Langdon, seconded by L. Hopwood to approve the New Wheelers Bike Race sponsored by O2 Cycling to be held August 14, 2011 in and near Jefferson Park. Derek Hughes still needs to submit his insurance forms and will meet with park officials to discuss final event set up details. It was noted that races would begin between 9:00-10:00 a.m. and music is not planned due to a church group using the pavilion on that day. Motion carried 6-0.

H. PUBLIC COMMENT ON ANY MATTER LISTED ON THE AGENDA

Five (5) minute time limit for each person

No one spoke.

I. ADJOURNMENT

Moved by L. Hopwood, seconded by S. Pawlowski to adjourn at 7:42 p.m. Motion carried 6-0.

CITY OF MENASHA
Plan Commission
Council Chambers, City Hall – 140 Main Street
June 21, 2011
DRAFT MINUTES

A. CALL TO ORDER

The meeting was called to order at 3:30p.m. by Mayor Merkes.

B. ROLL CALL/EXCUSED ABSENCES

PLAN COMMISSION MEMBERS PRESENT: Mayor Merkes, Commissioner Homan, DPW Radtke and Ald. Benner

PLAN COMMISSION MEMBERS EXCUSED: Commissioners Cruickshank, Sturm and Schmidt

PLAN COMMISSION MEMBERS ABSENT: None

OTHERS PRESENT: CDD Keil, PP Kester, Todd Platt and Rick Fischer

C. MINTUES TO APPROVE

1. **Minutes of the June 7, 2011 Plan Commission Meeting**

Motion by DPW Radtke, seconded by Ald. Benner to approve the June 7, 2011 Plan Commission meeting minutes. The motion carried.

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

1. No one spoke.

E. DISCUSSION

1. None

F. ACTION ITEMS

1. **Site Plan Review – Dollar General – Appleton Road**

This item was held from the June 7, 2011 Plan Commission meeting to resolve questions about lighting, landscaping , mechanical screening and building materials. Following discussion, Ald. Benner made, and Comm. Homan seconded a motion to approve the site plan for Dollar General subject to the following conditions:

- The appearance and specifications for the metal architectural panels shall be subject to staff approval
- A lighting plan meeting the adopted standards shall be created and presented to the Plan Commission for approval
- External duct work shall be painted or otherwise treated to blend with building colors
- A 6 foot high wood fence shall be added to the transitional area abutting the parking lot on the east side of the site
- Ground mounted mechanicals shall be screened with a 6 foot high wood fence
- A wall section shall be furnished along with the building plan submittal
- The storm water management plan shall be subject to approval by the Public Works Department

The motion carried.

2. **Easement Release – Lake Park Square**

CDD Keil stated that the owners of Lake Park Swim and Fitness requested release of the Ingress and Egress Easement that cuts diagonally through their parking lot. He stated that he had reviewed the easement with DPW Radtke, and it is staff's opinion that there would be no adverse impact from releasing the easement.

Motion by DPW Radtke, seconded by Ald. Benner to recommend approval of the release of the Ingress and Egress Easement as shown on the reference drawing.

The motion carried

3. **Certified Survey Maps – Lake Park Villas – Section 1, Section 2, Section 3**

CDD Keil explained that the CSM's were created to enable the transfer of land as per the development agreements entered into between the city and the Ponds of Menasha, LLC and Cypress Homes and Realty. Commissioner's discussed:

- Creating a lot for the parcel that was transferred to the Waverly Sanitary District via quit claim deed
- The sequencing of CSM approval/recording
- The purpose of Outlot 3 on the drawing labeled Section 2

Motion by Comm. Homan, seconded by DPW Radtke to recommend approval of the CSM's subject to the following:

- Details shall be labeled A & B on the CSM labeled Section 2
- The Waverly Sanitary District shall be added as an owner on the CSM's labeled Section 2 and Section 3
- The CSM's labeled Section 2 shall be recorded after those labeled 1 and 3.

The motion carried

G. ADJOURNMENT

Motion by Comm. Homan, seconded by Ald. Benner to adjourn at 4:55 p.m. The motion carried.

Minutes respectfully submitted by Greg Keil, CDD.

NEENAH-MENASHA SEWERAGE COMMISSION

Regular Meeting

Tuesday April 26, 2011

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

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

Excused: Commissioners William Helein, Gordon Falck.

Also Present: Rob Franck (MCO); Mike Sambs (Waverly); Tom Kispert, Chad Olsen, Scott Mahnke, Amy Vaclavik (McMAHON), Cari Lendrum (Neenah).

Minutes of the Regular Meeting and Closed Session of March 22, 2011 were discussed. Motion made by Commissioner Raymond Zielinski, seconded by Commissioner Dale Youngquist to approve the minutes of the Regular Meeting and Closed Session from March 22, 2011. Motion carried unanimously.

Correspondence

The following correspondence was discussed:

- A. April 1, 2011 letter to President William Zelinski, NMSC from Robin Schmidt, DNR.
RE: Notice of 2011 deadline and proposed changes to interest rate on future loans.
- B. April 18, 2011 letter to William Zelinski, NMSC from Thomas Mugan, DNR.
RE: Approval of Wastewater Facilities Plan.

Budget, Finance, Personnel

Accountant Voigt presented the financial statements for the month of March 2011. The Commission currently is operating with a net income in operations and the current weather conditions will likely increase the amount of operating income; the rates will probably need to be adjusted. After discussion, motion made by Commissioner Dale Youngquist, seconded by Commissioner Raymond Zielinski to accept the financial statements for the month of March and place it on file. Motion carried unanimously.

Accountant Voigt introduced Mr. David Maccoux from Schenck sc who is here to present and discuss the 2010 financial audit. Mr. Maccoux reviewed and discussed with the Commission the prepared Financial Report and Management Communications. After discussion, motion by Commissioner Raymond Zielinski, seconded by Commissioner Kathy Bauer to approve and accept the 2010 audit report from Schenck sc. President William Zelinski requested a roll call vote. Voting aye: Commissioners Raymond Zielinski, Kathy Bauer, Tim Hamblin, President William Zelinski. Commissioner Dale Youngquist abstained. Motion carried.

Accountant Voigt presented MCO Invoices #15406, #15441 and #15438 in the amounts of \$118,202.79, \$766.55 and \$185.44. After discussion, motion made by Commissioner Dale Youngquist, seconded by Commissioner Raymond Zielinski to approve for payment MCO Invoices #15406, #15441 and #15438 and to pay the invoices after May 1, 2011. Motion carried unanimously.

Accountant Voigt presented the Accountants Report for the month of March. Accountant Voigt reported on the reinvestment of maturing CDARS. MCO generated \$8,700 in income to the Commission in March. Accountant Voigt also discussed the cash flow projection worksheet previously requested. Discussion on the cash flow projection with the Commission and engineers revealed the need to make adjustments to the projected disbursements to account for the sludge storage building expenses to be incurred in 2011. Once the estimated spending projections on the sludge storage building have been made, the report will be reprinted and mailed to the Commissioners. After discussion of the Accountants Report; motion by Commissioner Dale Youngquist, seconded by Commissioner Tim Hamblin to accept the Accountants Report for the month of March 2011. Motion carried unanimously. Accountant Voigt discussed the CDARS Insured Cash Sweep account. Current rates on the sweep account are the same as the 13-week CDARS. With the continuing expenditure of funds towards the facilities upgrade; this is an attractive option to maintain a higher return on our funds and have quick access to the money. After discussion, motion made by Commissioner Dale Youngquist, seconded by Commissioner Kathy Bauer to approve setting up the CDARS ICS (Insured Cash Sweep) account with First National Bank Fox Valley. Motion carried unanimously.

Accountant Voigt presented for payment McMAHON invoices #44572, #44573, #44687, #44686, and #44635 in the amounts of \$2,163.50, \$58,750.00, \$2,079.65, \$12,162.86 and \$202.00. After discussion, motion made by Commissioner Raymond Zielinski, seconded by Commissioner Dale Youngquist to approve for payment invoices #44572, #44573, #44687, #44686 and #44635. Motion carried unanimously.

Operations, Engineering, Planning

Manager Much presented and discussed the operating report for the month of March 2011. The plant is operating well. The month of April will have a weekly violation of suspended solids and possibly BOD. This occurred in adjusting the plant conditions to test the pilot unit for the control of filamentous organisms. A survey received from the EPA has been completed. The survey was looking at the past five years of data; particularly at flow data. The EPA is also looking at the blending of wastewater discharged. Vendor presentations of equipment are completed. After discussion, motion made by Commissioner Dale Youngquist, seconded by Commissioner Raymond Zielinski to accept the operating report for the month of March 2011. Motion carried unanimously.

Tom Kispert reported to the Commission the status on Facility Upgrade activities. Tom Kispert discussed the items in his memo to the Commission. Items addressed included: looking at focus-on-energy grant money, pilot testing of centrifuge performed, pilot testing of mixed oxidant system will be starting soon, pilot testing of screening washer will be in early May, site visits will occur on equipment, Agency Agreement between Commission and member communities is being drafted for Clean Water Fund loan, GIS document work being completed.

Controls/SCADA. Scott Mahnke discussed the price differences between Automation Direct and Allen Bradley; and what errors were made in putting together the initial pricing and the lack of complete specs being used to put together the preliminary prices that were reported. The latest pricing on Allen Bradley equipment are based on more complete equipment specifications and the Allen Bradley equipment now meets the specs needed. The original pricing on Allen Bradley equipment was based on equipment that far exceeded the specs of the equipment needed. The Commission discussed rescinding any motion made authorizing the use of Automation Direct for providing the equipment to be used for the plant controls and SCADA to allow further review of Allen Bradley equipment in the plant design. Before making any motion to rescind, a quick check of previous minutes was performed to see what wording may have been used. No wording on the matter was found in the quick review of the minutes. Any motion on this matter was deferred to the May meeting allowing a more complete review of the minutes on this subject matter.

Old Business

Interceptor ownership. Commissioner Kathy Bauer reported on a meeting held with herself and Commissioner Raymond Zielinski with Mayor Donald Merkes and Mark Radtke from the City of Menasha to discuss transferring ownership of interceptors.

Biosolids Management. Chad Olsen discussed his memo to the Commission. A boundary survey of the property for a storage building was performed; met with Jeff Steinacker on April 11 to discuss building plan ideas; visited the Appleton WWTP storage building with Steinacker Farm representatives to view this design and the concept used for the building.

Motion made by Commissioner Raymond Zielinski, seconded by Commissioner Tim Hamblin to convene into closed session pursuant to Wis. Stats. § 19.85(1)(g) to confer and review written and/or oral legal advice by legal counsel to the Commission as to litigation strategy and status of matters concerning the lawsuit(s) commonly referred to as the Fox River litigation and pursuant to Wis. Stats. § 19.85(1)(e) to discuss contracts affecting portions of the sewerage treatment process which involves the investment and spending of public funds and competitive and bargaining reasons require a closed session to discuss contract clauses to be submitted to vendors to best serve the public interest. Motion carried unanimously by Commissioners Raymond Zielinski, Dale Youngquist, Kathy Bauer, Tim Hamblin. Meeting convened into closed session at 9:25 am.

After discussions, motion made by Commissioner Dale Youngquist, seconded by Commissioner Raymond Zielinski to adjourn the closed session and return in regular open session. Motion carried unanimously by Commissioners Raymond Zielinski, Dale Youngquist, Kathy Bauer, Tim Hamblin. The Commission returned to Regular open session at 9:38 am.

Action to be taken on matters discussed on Closed Session

No action to taken.

Vouchers

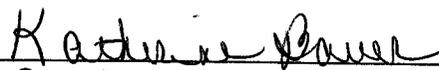
Motion made by Commissioner Raymond Zielinski, seconded by Commissioner Dale Youngquist to approve operating and payroll fund vouchers #132234 through #132297 in the amount of \$345,708.58 for the month of March 2011. Motion carried unanimously.

Motion made by Commissioner Raymond Zielinski, seconded by Commissioner Dale Youngquist to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 9:40 a.m.

President



Secretary



THE NEXT REGULAR MEETING IS SCHEDULED FOR TUESDAY MAY 24th, 2011.

NEENAH-MENASHA SEWERAGE COMMISSION

Regular Meeting

Tuesday May 24, 2011

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

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

Excused: Commissioner William Helein.

Also Present: Rob Franck (MCO); Mike Sams (Waverly); Tom Kispert, Chad Olsen (McMAHON).

Minutes of the Regular Meeting and Closed Session of April 26, 2011 were discussed. Commissioner Gordon Falck questioned the report on the Menasha sewer issue; discussion on the matter followed. After discussion, motion made by Commissioner Tim Hamblin, seconded by Commissioner Raymond Zielinski to approve the minutes of the Regular Meeting and Closed Session from April 26, 2011. Motion carried unanimously.

Correspondence

There was no correspondence to be discussed.

Budget, Finance, Personnel

Accountant Voigt presented the financial statements for the month of April 2011. Commissioner Dale Youngquist questioned the difference of the Green Power Income and the Standby Generation Income; the standby generation income is the income received for keeping our backup generator on a standby basis in case the power company requests the NMSC to run the backup generator to take our electric load off the grid, the green power income is the income generated when we burn the methane gas to produce electricity. After discussion, motion made by Commissioner Dale Youngquist, seconded by Commissioner Raymond Zielinski to accept the financial statements for the month of April and place it on file. Motion carried unanimously.

Accountant Voigt discussed the proposed rates for the 3rd quarter 2011. The increased loadings to the plant have generated a revenue surplus in our operations budget. The proposed rates would be a decrease to the current rates being charged. Commissioner Tim Hamblin questioned why would we be reducing the rates if the Commission is looking at cash issues later this year to pay for the ongoing plant upgrade costs. The issue was discussed further; it was questioned if some of the excess operating cash could be used during this time period. This will need to be checked into further to see if this can be done. After discussion, motion by Commissioner Dale Youngquist, seconded by Commissioner Tim Hamblin to defer acting on the rate adjustment until the June meeting. Motion carried unanimously.

Accountant Voigt presented MCO Invoices #15492, #15525 and #15522 in the amounts of \$118,202.80, \$371.45 and \$230.01. After discussion, motion made by Commissioner Dale Youngquist, seconded by Commissioner Raymond Zielinski to approve for payment MCO Invoices #15492, #15525 and #15522 and to pay the invoices after June 1, 2011. Motion carried unanimously.

Accountant Voigt presented the Accountants Report for the month of April. Accountant Voigt reported on the interest rates received on the checking and money market accounts. MCO generated \$8,800 in income to the Commission in April. Accountant Voigt also presented the updated cash flow projection worksheet. Accountant Voigt informed the Commission on the concerns of the financial advisor, Carol Wirth on making sure the Commission meets the current bond resolution covenants in making any short-term or long-term borrowing plans.

Accountant Voigt presented for payment McMAHON invoices #44973, #44972, #44942, and #44943 in the amounts of \$3,046.00, \$94,845.00, \$3,373.50, and \$867.95. After discussion, motion made by Commissioner Raymond Zielinski, seconded by Commissioner Tim Hamblin to approve for payment invoices #44973, #44972, #44942, and #44943. Motion carried unanimously.

Operations, Engineering, Planning

Manager Much presented and discussed the operating report for the month of April 2011. The solids loading jumped in April; the electrical rates for on-peak power usage is going up; Manager Much and Tom Kispert met with the City of Menasha Council on June 6 to present information on the plant upgrade; we are currently looking at chlorine systems for the treatment facility. Commissioner Dale Youngquist questioned the effluent BOD percent of removal and if this is a reflection on the increased loads. Commissioner Gordon Falck questioned the income generated from burning the methane gas, it has been decreasing. It was reported there have been issues with starting the engine after it has been shut down; we are looking at the engine adjustments that are based on the gas quality. One item being considered is a gas analyzer; the service representative is obtaining pricing and information on analyzers available. After discussion, motion made by Commissioner Dale Youngquist, seconded by Commissioner Tim Hamblin to accept the operating report for the month of April 2011. Motion carried unanimously.

Tom Kispert reported to the Commission the status on Facility Upgrade activities.

Design. The two pilots tests are still running; site visits were made, one facility has a fine screen unit that is now being given consideration in being included in the new equipment replacement; the equipment bid date is being moved back to July.

Controls/SCADA. Following the discussions from last month, we are looking at using major components from Allen Bradley with ancillary items coming from Automation Direct and Allen Bradley; one determining factor is if the equipment works together and works with the GIS system. The review of previous minutes did not show any prior approvals by the Commission that they would use Automation Direct as the equipment provider.

GIS. There will be some documents ready for the June meeting; a demo site will be ready in a few weeks.

Other. Manager Much reported that one of the facilities they did at site visit at added Capstone micro turbines; this facility is now adding another bank of micro turbines with an estimated payback in 5 years.

Old Business

Interceptor ownership. Commissioner Dale Youngquist reported he met with Mayor Don Merkes; he wants to go ahead with the transfer of ownership. Mayor Merkes met with the City Attorney; it is in the Attorney hands.

Biosolids Management. Manager Much reported there are items to be discussed in closed session.

Other Business to Come Before the Commission

Commission Tim Hamblin questioned the status of the proposed phosphorous rules. It was reported that implementation could be postponed for about 2 years to see what other states are doing.

Motion made by Commissioner Dale Youngquist, seconded by Commissioner Tim Hamblin to convene into closed session pursuant to Wis. Stats. § 19.85(1)(g) to confer and review written and/or oral legal advice by legal counsel to the Commission as to litigation strategy and status of matters concerning the lawsuit(s) commonly referred to as the Fox River litigation and pursuant to Wis. Stats. § 19.85(1)(e) to discuss contracts affecting portions of the sewerage treatment process which involves the investment and spending of public funds and competitive and bargaining reasons require a closed session to discuss contract clauses to be submitted to vendors to best serve the public interest. Motion carried unanimously by Commissioners Raymond Zielinski, Dale Youngquist, Kathy Bauer, Tim Hamblin, Gordon Falck. Meeting convened into closed session at 9:10 am.

Commissioner Raymond Zielinski was excused during the meeting to attend to other matters.

After discussions, motion made by Commissioner Dale Youngquist, seconded by Commissioner Tim Hamblin to adjourn the closed session and return in regular open session. Motion carried unanimously by Commissioners Dale Youngquist, Kathy Bauer, Tim Hamblin, Gordon Falck. The Commission returned to Regular open session at 10:32 am.

Action to be taken on matters discussed on Closed Session

Motion made by Commissioner Dale Youngquist, seconded by Commissioner Kathy Bauer to approve the substance of the Ground Lease Agreement and Biosolids Removal, Hauling, Land Application Agreement as presented to the Commission by legal counsel and management and to authorize the Commission President to exercise the agreements with minor changes as needed. Motion carried unanimously.

The Commission requested Chad Olsen to fast track the biosolids storage building. Chad indicated we will need to do soil borings; he will get quotes to Manager Much for approval. Manager Much reported we will need to approach the Town of Greenville for approval.

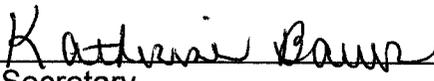
Vouchers

Motion made by Commissioner Dale Youngquist, seconded by Commissioner Kathy Bauer to approve operating and payroll fund vouchers #132298 through #132347 in the amount of \$356,611.35 for the month of April 2011. Motion carried unanimously.

Motion made by Commissioner Tim Hamblin, seconded by Commissioner Dale Youngquist to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 10:39 a.m.



President



Secretary

THE NEXT REGULAR MEETING IS SCHEDULED FOR TUESDAY June 28th, 2011.

NEENAH-MENASHA SEWERAGE COMMISSION

Special Meeting

Thursday June 16, 2011

Meeting was called to order by Commission President William Zelinski at 9:00 a.m.

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

Excused: Commissioners William Helein, Kathy Bauer.

Also Present: Rob Franck (MCO); Mike Sambs (Waverly); Tom Kispert, Amy Vaclavik (McMAHON), Carol Wirth (Wisconsin Public Finance Professionals LLC), Mayor Don Merkes, Tom Stoffel (Menasha).

Budget, Finance, Personnel

Carol Wirth with Wisconsin Public Finance Professionals LLC introduced herself to the Commission and distributed a report on financing handout. Carol used this report as an outline to discuss with the Commission financing options. Items mentioned included: current funding with NMSC replacement and depreciation funds until September; concern of what the total final cost of project will be; financing costs; source of funds – commission funds, Clean Water Fund, revenue bonds; NMSC also submits application with Clean Water Fund applications, loans are not made to Commissions and industrial users, member communities responsible for loans. Commissioner Tim Hamblin questioned if the industrial user would go bankrupt; communities would still pay total amount of borrowing based on percent of use. The Commission discussed obtaining a commitment from the industrial user. Commissioner Tim Hamblin questioned if the NMSC can bid without having a known source of funding to pay for costs; discussion continued on this subject with no clear answer available. Clean Water Fund rate will be based on the rate the State receives for borrowing in 2012. Short term borrowing options were discussed which include the possibility of: Bond Anticipation Notes, bank note which must comply with NMSC existing bond covenants, or member community borrows. Amy Vaclavik (McMAHON) reported the Clean Water Fund borrowing could be done in 2 loans: first for the equipment and engineering costs, and then for the remaining facilities upgrade items. Multiple questions followed relating to doing short term borrowing. The Commission issuance of Revenue Bonds could provide funds by early October, the Commission needs to deal with the current 2003 Revenue Bonds and the covenants. Commissioner Dale Youngquist questioned if we need to bid for short term financing; it was felt we may not have to, but a definite answer would need to be researched. Amy Vaclavik reported that any local borrowing would need to be coordinated with the Department of Administration (DOA) and Department of Natural Resources (DNR) to qualify for reimbursement with the Clean Water Fund. It was suggested that the Commission should meet with all municipal entities in one meeting to go over the items and issues. The type of short term borrowing that is decided upon will be a driving force in the type of long term borrowing the Commission will obtain. It was reported the Industrial contract with Sonoco is not an issue with the State, any risk would be absorbed by everyone else.

The Commission further discussed when to have a meeting with the member communities, if it should be a special meeting or put on the June regular meeting agenda. Commissioner Dale Youngquist indicated it should be a special meeting. Commissioners questioned Carol regarding fees for services. Carol reported that if she was providing this service for a typical municipality such as a City, the fees would range around \$5,000. But since the Commission is a Commission with multiple member entities, the work and detail involved are much more involved as well as the Commission having a current Revenue Bond that have covenants that need to be met make it hard for her to provide a number for her services because the involvement could be substantial without having a clear objective at to where the Commission is going with its financing. After this discussion, the Commission further discussed a date for a special meeting with the member communities on either June 29th or 30th. It was the consensus to have the meeting on June 29th at 9:00 am.

Other Business

Manager Much reported on some issues. 1 - The pilot unit study for the mixed oxidant unit provided no apparent benefit. Another unit that was looked at and made by a different manufacturer has become available due to a purchaser not accepting all the units they ordered. This purchaser paid a restocking fee to return the one unit. The NMSC has the option to purchase this unit below the normal purchase price. The Commission requested the engineer to try to obtain additional discounts on the price of the unit. 2 – The Commission has an agreement with WPPI for our backup generator to serve as a standby unit. There are now air emission standards that will need to be met in order for the Commission to maintain the agreement with WPPI. The cost of a muffler system to have the generator meet the standards is approximately \$100,000. With the age of the unit there could also be electronic component issues. We need to decide if the unit should be replaced and sized to operate the entire facility or to keep the current unit that runs the influent and effluent pumps. An answer will be provided at the meeting on June 28th.

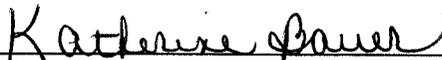
Attorney John Thiel reported a letter from the Town of Greenville was received indicating we do not need a conditional use permit for the biosolids building being built on property owned by Steinacker Farms. The agreements with Steinacker Farms are almost complete.

Motion made by Commissioner Raymond Zielinski, seconded by Commissioner Dale Youngquist to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 11:17 a.m.

President



Secretary



CITY OF MENASHA
PERSONNEL COMMITTEE
Third Floor Council Chambers
140 Main Street, Menasha
June 20, 2011
MINUTES

A. CALL TO ORDER

Meeting called to order by Chairman Englebert at 7:19 p.m.

B. ROLL CALL/EXCUSED ABSENCES

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

EXCUSED: Alderman Zelinski

ALSO PRESENT: CA/HRD Captain, Lt. Brunn, DPW Radtke, CDD Keil, C/T Stoffel, Clerk Galeazzi and the Press

C. MINUTES TO APPROVE

1. [Personnel Committee, 6/6/11](#)

Moved by Ald. Benner, seconded by Ald. Klein to approve minutes.

Motion carried on voice vote.

D. ACTION ITEMS

1. [Personnel Policy Handbook, Article V, B., paragraph 11 \(WRS Contribution\) \(held 6/6/11\)](#)

Mayor Merkes explained the breakdown of filling the 2011 budget gap using furlough days, employees WRS contributions, unfilled positions from recent retirements and miscellaneous budget reductions.

Committee members requested more details on the unfilled positions and budget reductions.

CA/HRD Captain explained recent Legislative action and recommended any action by this Committee should be consistent with Legislative action pertaining to non-represented employees paying their portion to WRS.

CA/HRD Captain explained Resolution Regarding Pick-up of Employee Retirement Contributions Pursuant to Section 414(h)(2) of the Internal Revenue Code establishes WRS contribution as pre-taxed.

Moved by Ald. Sevenich, seconded by Ald. Taylor to recommend to Common Council to approve Resolution Regarding Pick-up of Employee Retirement Contributions Pursuant to Section 414(h)(2) of the Internal Revenue Code.

Moved by Ald. Taylor, seconded by Ald. Sevenich to amend Resolution Regarding Pick-up of Employee Retirement Contributions Pursuant to Section 414(h)(2) of the Internal Revenue Code by deleting the paragraph that pertains to a starting date. (paragraph #3)
Motion on amendment carried on voice vote

Motion to recommend to Common Council Resolution Regarding Pick-up of Employee Retirement Contributions Pursuant to Section 414(h)(2) of the Internal Revenue Code as amended carried on roll call 8-0.

Moved by Mayor Merkes, seconded by Ald. Sevenich to amend Personnel Policy Handbook, Article V Section B Paragraph 11 regarding WRS Contributions for non-represented employees excluding Police & Fire non-union management to begin the second pay period in July, 2011.
Motion carried on roll call 8-0.

E. ADJOURNMENT

Moved by Mayor Merkes, seconded by Ald. Langdon to adjourn at 7:40 p.m.
Motion carried on voice vote.

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

CITY OF MENASHA
REDISTRICTING COMMITTEE
Third Floor Council Chambers
140 Main Street, Menasha
June 15, 2011
MINUTES

A. CALL TO ORDER

Meeting called to order by Clerk Galeazzi at 1:00 p.m.

B. ROLL CALL/EXCUSED ABSENCES

PRESENT: John Davel, Jack Fry, Tom Konetzke, Bernie Sandlin, Ray Zielinski

ALSO PRESENT: CDD Keil and Clerk Galeazzi

C. ACTION ITEMS

1. Selection of Committee Chairman

Clerk Galeazzi opened the floor for nominations.

Moved by Ray Zielinski, seconded by Tom Konetzke to nominate Bernie Sandlin for Chairman.

Moved by Ray Zielinski, seconded by Tom Konetzke to close the nominations.

Motion to nominate Bernie Sandlin as Chairman carried on unanimous voice vote.

2. Redistricting Procedures

Clerk Galeazzi explained the role of the Redistricting Committee and the timeline for the City to complete the redistricting.

3. Review of County Redistricting Plans/Maps

CDD Keil reviewed the County Supervisor maps. The Winnebago County portion of the City is divided into four supervisory districts. Calumet County portion of the City is in one county supervisor district.

The Committee directed staff to prepare a redistricting plan based on 8 Aldermanic Districts. Staff should stay as consistent with the county supervisory plans as possible.

4. Set Next Meeting Date

The next date was set for June 27, 2011 at 11a.m.

D. ADJOURNMENT

Moved by Jack Fry, seconded by Ray Zielinski to adjourn at 3:00 p.m.

Motion carried on voice vote.

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

CITY OF MENASHA
REDISTRICTING COMMITTEE
Third Floor Council Chambers
140 Main Street, Menasha
June 27, 2011
MINUTES

DRAFT

A. CALL TO ORDER

Meeting called to order by Chairman Sandlin at 11:04 a.m.

B. ROLL CALL/EXCUSED ABSENCES

PRESENT: John Davel, Jack Fry, Tom Konetzke, Ray Zielinski, Bernie Sandlin

ALSO PRESENT: CDD Keil and Clerk Galeazzi

C. MINUTES TO APPROVE

1. Minutes of 6/15/11

Moved by Tom Konetzke, seconded by Ray Zielinski to approve minutes.

Motion carried on voice vote

D. ACTION ITEMS

1. Consideration of Preliminary Aldermanic District and Ward Plan

CDD Keil and Clerk Galeazzi explained the redistricting maps for both Winnebago and Calumet Counties. 18 wards and eight aldermanic districts were established; Winnebago County to be comprised of 14 wards and six aldermanic districts wholly within the County, Calumet County comprised of four wards and two districts; one district will be split between Winnebago & Calumet Counties. Most of the City's growth is in Calumet County

Staff followed the Winnebago County Supervisory Districts when establishing the wards and districts for the City of Menasha Winnebago County. Calumet County will all be in one County Supervisory District.

The Committee reviewed Resolution R-28-11 Relating to Redistricting. The resolution establishes Winnebago County Wards 1 & 2 as Aldermanic District 1, Wards 3 & 4 as Aldermanic District 2, Wards 7 & 8 as Aldermanic District 3, Wards 5 & 6 as Aldermanic District 4, Wards 9 & 12 as Aldermanic District 5, Wards 10 & 14 as Aldermanic District 6, Wards 11 & 13 as Aldermanic District 7. For Calumet County Wards 15 & 16 as Aldermanic District 6, Wards 17 & 18 as Aldermanic District 8.

Moved by Ray Zielinski, seconded by John Davel to recommend the Common Council adopts Resolution R-28-11 Relating to Redistricting.

Motion carried on voice vote.

2. Set Next Meeting Date

Not Necessary.

E. ADJOURNMENT

Moved by Ray Zielinski, seconded by Tom Konetzke to adjourn at 12:31 p.m.

Motion carried on voice vote.

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

**COURT OF APPEALS
DECISION
DATED AND FILED**

June 8, 2011

A. John Voelker
Acting Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2010AP1799

Cir. Ct. No. 2009CV2490

STATE OF WISCONSIN

IN COURT OF APPEALS
DISTRICT II

CITY OF MENASHA,

PETITIONER-APPELLANT,

v.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION AND MENASHA
PROFESSIONAL POLICE UNION LOCAL 603,

RESPONDENTS-RESPONDENTS.

APPEAL from an order of the circuit court for Winnebago County:
BARBARA H. KEY, Judge. *Affirmed.*

Before Neubauer, P.J., Anderson and Reilly, JJ.

¶1 NEUBAUER, P.J. The City of Menasha appeals from a circuit court order upholding a determination of the Wisconsin Employment Relations Commission (WERC). At issue on appeal is whether the circuit court erred in

affirming WERC's determination that WIS. STAT. § 111.70(4)(c)2.b. and (4)(mc)1. (2009-10)¹ prohibit a city from bargaining collectively to require that law enforcement officers represented by a union use the procedures set forth in WIS. STAT. § 62.13(5) exclusively to challenge discipline and are not permitted to use arbitration as an alternative. We conclude that § 111.70(4)(c)2.b. permits bargaining as to dispute resolution procedures and does not require the use of § 62.13(5) procedures. However, if the parties bargain for the use of § 62.13(5) procedures, then § 111.70(4)(mc)1. requires arbitration as an alternative. We therefore uphold WERC's ultimate determination in favor of the Menasha Professional Police Union Local 603. Accordingly, we affirm.

Relevant Law

¶2 The Municipal Employment Relations Act (MERA), WIS. STAT. §§ 111.70-111.77, governs the collective bargaining² between a municipality and its employees who are members of a collective bargaining unit. Under MERA, there are three categories of bargaining: (1) mandatory subjects for which collective bargaining is required (primarily related to wages, hours and

¹ All references to the Wisconsin Statutes are to the 2009-10 version unless otherwise noted.

² "Collective bargaining" is defined in part by WIS. STAT. § 111.70(1)(a) as follows:

[T]he performance of the mutual obligation of a municipal employer, through its officers and agents, and the representative of its municipal employees in a collective bargaining unit, to meet and confer at reasonable times, in good faith, with the intention of reaching an agreement, or to resolve questions arising under such an agreement The duty to bargain, however, does not compel either party to agree to a proposal or require the making of a concession. Collective bargaining includes the reduction of any agreement reached to a written and signed document.

conditions); (2) permissive subjects for which collective bargaining is permitted but not required (primarily related to the management and direction of the municipality); and (3) prohibited subjects of bargaining for which collective bargaining is prohibited and would violate the law. See *City of Janesville v. WERC*, 193 Wis. 2d 492, 499-500, 535 N.W.2d 34 (Ct. App. 1995); see also § 111.70(1)(a).

¶3 Previously, this court held that there was an irreconcilable conflict between MERA and WIS. STAT. § 62.13(5), and that because § 62.13(5) provided the exclusive method for law enforcement officers to challenge discipline, the union’s proposal for arbitration of grievances related to discipline was a prohibited subject of bargaining. See *City of Janesville*, 193 Wis. 2d at 500, 511. In 2007, the legislature enacted WIS. STAT. § 111.70(4)(c)2.b., overturning the holding in *City of Janesville*.³ It provides:

(4) POWERS OF THE [EMPLOYMENT RELATIONS] COMMISSION. The commission shall be governed by the following provisions relating to bargaining in municipal employment in addition to other powers and duties provided in this subchapter:

....

³ WISCONSIN STAT. § 111.70(4)(c)2.b. and (4)(mc) were passed as part of the budget bill, 2007 Wis. Act 20. These provisions were offered in June 2007 as part of an amendment to 2007 SB 40. Although the assembly removed the provisions from 2007 SB 40, the provisions were added back into the bill by the Committee of Conference on 2007 Senate Bill 40, and eventually passed into law in October 2007.

In addressing these provisions, the Legislative Fiscal Bureau noted: “Under the SB 40 provision, the subordinate would be provided with one of two appeal options from a PFC order: (a) the Circuit Court (as provided under current law); or (b) an alternative procedure negotiated under a collectively bargained alternative (as would be provided under SB 40).” See Legislative Fiscal Bureau, *Budget Change Items under the Senate and Assembly*, dated July 24, 2007, at 14.

(c) *Methods for peaceful settlement of disputes; law enforcement and fire fighting personnel....*

2. 'Arbitration.'

b. A collective bargaining agreement may, notwithstanding [WIS. STAT. §] 62.13(5), contain dispute resolution procedures, including arbitration, that address the suspension, reduction in rank, suspension and reduction in rank, or removal of such personnel. If the procedures include arbitration, the arbitration hearing shall be public and the decision of the arbitrator shall be issued within 180 days of the conclusion of the hearing.

Thus, while a police and fire commission's procedure for disciplinary actions against subordinate police officers and fire fighters under WIS. STAT. § 62.13(5) remained a viable contract option, the parties' agreement could contain alternative dispute resolution procedures.

¶4 However, also created in 2007 was WIS. STAT. § 111.70(4)(mc), which provides in relevant part:

(mc) *Prohibited subjects of bargaining.* The municipal employer is prohibited from bargaining collectively with respect to:

1. The prohibition of access to arbitration as an alternative to the procedures in s. 62.13(5).

It is the interplay of §§ 111.70(4)(c)2.b. and 111.70(4)(mc)1. that is at issue on appeal.

Background

¶5 The City of Menasha is a municipal employer. It was engaged in bargaining with the Menasha Professional Police Union over a successor agreement to a 2007-08 collective bargaining agreement. The City proposed to maintain language from the 2007-08 agreement which required that the appeal

procedures under WIS. STAT. § 62.13 be utilized by a union-represented employee who wished to challenge discipline imposed pursuant to that statutory provision.⁴

⁴ The proposed 2009 contract contained language from the 2007-08 collective bargaining agreement, which provided in relevant part:

ARTICLE III - MANAGEMENT RIGHTS

The City possesses the sole right to operate the Menasha Police Department and all management rights repose in it, subject only to the provisions of this agreement and applicable law. These rights, which are normally exercised by the Chief of Police, include but are not limited to ... the discipline of employees pursuant to [WIS. STAT. §] 62.13

....

ARTICLE VII - GRIEVANCE PROCEDURE

....

D. Steps in Procedure

....

Step 3

If the grievance is not settled in the second step, any grievance which is not covered by [WIS. STAT. § 62.13] (i.e., discipline or discharge grievances) and does not involve the authority of the Chief of the Police Department but rather relates only to the interpretation of this contract, shall be submitted to the Personnel Director....

ARTICLE VIII - ARBITRATION

....

G. Right to Counsel and Review

An employee who was notified of pending disciplinary action shall be advised of his/her right of counsel, availability of assistance from the Union and right to review of the disciplinary action by the Menasha Fire and Police Commission under the provisions of [WIS. STAT. § 62.13]. All disciplinary action and all appeals from such action by the affected employees shall be taken pursuant to the provisions of [§ 62.13].

(continued)

The Union countered with a proposal to omit the language relating to the review of disciplinary action by the City of Menasha Police and Fire Commission and substituting such review by an arbitrator.

¶6 On May 11, 2009, the Menasha Professional Police Union filed a petition with WERC seeking a declaratory ruling under WIS. STAT. § 111.70(4)(c)⁵ as to whether the bargaining proposal from the City was a prohibited subject of bargaining. The City responded that its proposal was a mandatory subject of bargaining. WERC found that a proposal specifying how an employee can challenge discipline is primarily related to wages, hours and conditions of employment. It concluded that the City's proposal is a mandatory subject of bargaining *unless* MERA prohibits bargaining over such a proposal. It further concluded that the City's proposal is a prohibited subject of bargaining.

¶7 WERC issued a declaratory ruling that “[t]he Union does not have a duty to bargain within the meaning of [WIS. STAT. §] 111.70(1)(a) and (3)(a)4. with the City over the proposal” requiring that the appeal procedures under WIS. STAT. § 62.13 be utilized by union-represented employees who wish to challenge discipline imposed under that statutory provision. WERC found that the

The Union's counterproposal omitted all language pertaining to review by the City of Menasha Police and Fire Commission and inserted arbitration as the method for review of disciplinary actions.

We note that neither the 2009 proposed agreement nor the 2007-08 agreement are in the appellate record. However, portions of the proposal/agreement are cited in the parties' briefs and a complete copy of the 2007-08 agreement is included in the City's appendix.

⁵ WISCONSIN STAT. § 111.70(4)(b) provides in relevant part: “Whenever a dispute arises between a municipal employer and a union of its employees concerning the duty to bargain on any subject, the dispute shall be resolved by the [c]ommission on petition for a declaratory ruling.”

disciplinary procedure that the City proposed to include in the parties' successor agreement would prohibit access to arbitration as an alternative to the provisions of § 62.13(5) and that such a procedure was prohibited by § 111.70(4)(mc)1.

¶8 In December 2009, the City petitioned the circuit court for review of WERC's decision under WIS. STAT. §§ 227.52-227.57. The City challenged WERC's interpretation and application of WIS. STAT. § 111.70(4)(c)2.b. and (4)(mc)1. The City asked the circuit court to reverse WERC's decision and affirmatively find that (1) the application of the statutes "do not require a municipal employer to propose language contrary to the status quo of an existing collective bargaining agreement setting forth the parties' historical intent and decision to utilize [WIS. STAT. §] 62.13 as the appeals procedure for discipline imposed under that statute" and (2) that the Menasha Professional Police Union "does have a duty to bargain ... in regard to the status quo language of the parties' existing collective bargaining agreement."

¶9 Following a hearing on June 1, 2010, the circuit court entered a written order affirming WERC's decision. The circuit court reasoned that (1) WIS. STAT. § 111.70(4)(c)2.b. provides that a collective bargaining agreement may contain dispute resolution procedures including arbitration, (2) WIS. STAT. § 62.13(5) provides an alternative means of discipline for police officers and fire fighters, and (3) the provision in § 111.70(4)(mc) prevents municipal employers from being able to "trump" the opportunity for arbitration—it prohibits the employer from being able to bargain the prohibition of access to arbitration. The City appeals.

Discussion

Standard of Review

¶10 On appeal, we review WERC's decision, not the decision of the circuit court. *Racine Educ. Ass'n v. WERC*, 214 Wis. 2d 353, 356, 571 N.W.2d 887 (Ct. App. 1997). The issue on appeal involves the interpretation and application of WIS. STAT. § 111.70(4)(c)2.b. and (4)(mc)1. to undisputed facts. Because the issue before WERC was clearly one of first impression, we pay no deference to its statutory interpretation and consider the issue *de novo*.⁶ *Milwaukee Bd. of Sch. Dirs. v. Wisconsin Emp't Relations*, 2008 WI App 125, ¶10, 313 Wis. 2d 525, 758 N.W.2d 814. In doing so, we bear in mind the following:

Our goal in interpreting a statute is to discern and give effect to the intent of the legislature. Statutory interpretation begins with the language of the statute. Each word should be looked at so as not to render any portion of the statute superfluous. But "courts must not look at a single, isolated sentence or portion of a sentence" instead of the relevant language of the entire statute. Furthermore, a statutory provision must be read in the context of the whole statute to avoid an unreasonable or absurd interpretation. Statutes relating to the same subject matter should be read together and harmonized when possible. A cardinal rule in interpreting statutes is to favor an interpretation that will fulfill the purpose of a statute over an interpretation that defeats the manifest objective of an act. Thus a court must ascertain the legislative intent from the language of the statute in relation to its context, history, scope, and objective intended to be accomplished, including the consequences of alternative interpretations.

⁶ Indeed, the Commission's attorney represented to the circuit court that the Commission's decision was "wrong in two respects" and proposed that the circuit court "decide it either the way the Union or the way the City proposed it and not the highbred [sic] approach that the Commission adopted."

Hubbard v. Messer, 2003 WI 145, ¶9, 267 Wis. 2d 92, 673 N.W.2d 676 (footnotes omitted).

WISCONSIN STAT. § 111.70(4)(c)2.b. and (4)(mc)1., Read Together, Permit the Negotiation of Alternative Dispute Resolution Procedures, but Require Arbitration as an Alternative if WIS. STAT. § 62.13(5) is a Designated Procedure.

¶11 The City correctly asserts that WIS. STAT. § 111.70(4)(c)2.b. and (4)(mc)1. must be read in pari materia as the statutes were adopted at the same time as part of a single statutory scheme.⁷ See *McDonough v. DWD*, 227 Wis. 2d 271, 279, 595 N.W.2d 686 (1999) (two statutes concerning the same subject matter must be read together). Looking first to § 111.70(4)(c)2.b., the City contends, and WERC and the Union agree, that the clear, unambiguous language of § 111.70(4)(c)2.b. provides that a labor agreement may contain municipal police officer discipline procedures which do not provide arbitration. Section 111.70(4)(c)2.b. provides that “[a] collective bargaining agreement *may*, notwithstanding [WIS. STAT. §] 62.13(5), *contain dispute resolution procedures, including arbitration*” and it provides parameters “[i]f the procedures include arbitration.” (Emphasis added.) Thus, the language of § 111.70(4)(c)2.b., standing alone, permits arbitration, but does not require it.

¶12 All parties agree that WIS. STAT. § 111.70(4)(c)2.b. was intended to overturn our holding in *City of Janesville* that a union proposal providing the right to arbitrate a suspension rather than seek a hearing before the police and fire commission “is not a mandatory subject of bargaining [under § 111.70(1)(a)] because it is in irreconcilable conflict with [WIS. STAT.] § 62.13(5).” *City of*

⁷ Both WIS. STAT. § 111.70(4)(c)2.b. and (4)(mc) were created by 2007 Wis. Act 20, §§ 2666f and 2679i, respectively.

Janesville, 193 Wis. 2d at 511. Arbitration of disciplinary disputes is no longer a prohibited subject. Thus, the City's proposed interpretation of § 111.70(4)(c)2.b. appears reasonable: (1) parties are permitted to use either the procedures in § 62.13(5) or to bargain for alternative procedures and (2) arbitration is just one of the alternative procedures to which the parties to a labor agreement can agree; they are not required to choose arbitration as an alternative to the § 62.13(5) procedures. However, the reasonableness of the City's proposed interpretation diminishes when one reads § 111.70(4)(c)2.b. in conjunction with § 111.70(4)(mc)1. and it is here that the parties' interpretation of these two provisions part ways.

¶13 WISCONSIN STAT. § 111.70(4)(mc) is entitled "[p]rohibited subjects of bargaining." It provides that "[t]he municipal employer is prohibited from bargaining collectively with respect to ... 1. The prohibition of access to arbitration as an alternative to the procedures in [WIS. STAT. §] 62.13(5)." Sec. 111.70(4)(mc)1. The City contends that § 111.70(4)(mc)1. simply prohibits an employer from refusing "to bargain the use of grievance arbitration in lieu of § 62.13." The City's interpretation fails to give full force and effect to the language of § 111.70(4)(mc)1., which addresses the *access to arbitration* as an alternative to, not instead of, the procedure under § 62.13(5). More to the point, it fails to give full force and effect to the legislature's *prohibition on an employer bargaining collectively to prohibit that access*. The legislature's plain language makes the "prohibition of access to arbitration" a "prohibited *subject* of bargaining." We cannot construe the statutory prohibition of a subject as a requirement to bargain on that subject.

¶14 The City additionally contends that requiring agreement on a subject of bargaining is "completely foreign to the concept of collective bargaining in

Wisconsin.” The City’s argument is undermined by the other “prohibited subjects of bargaining” under WIS. STAT. § 111.70(4)(mc)2.-4., which require that certain prohibited subjects are effectively agreed upon as between the parties, including the standards for discipline under WIS. STAT. § 62.13(5)(em) and the payment of compensation under § 62.13(5)(h). As the Commission succinctly stated, “[W]here, as here, the municipal employer proposes that [§] 62.13(5) be the exclusive mechanism by which discipline is challenged, it is thereby necessarily also proposing to prohibit access to grievance arbitration contrary to [§] 111.70(4)(mc).” The legislature expressly made this a prohibited subject of bargaining.⁸

¶15 WERC acknowledges the permissive language in WIS. STAT. § 111.70(4)(c)2.b. but also recognizes the limiting prohibitions of § 111.70(4)(mc)1. when it comes to the interplay of WIS. STAT. § 62.13(5) and arbitration. WERC contends that the limitation of § 111.70(4)(mc)1. on the more general grant of authority provided under § 111.70(4)(c)2.b. gives effect to both statutory provisions. This interpretation, adopted by the circuit court, is summarized by WERC as follows: “§ 111.70(4)(c)2.b. authorizes alternative dispute resolution procedures, including [§] 62.13(5) and arbitration, but that [§] 111.70(4)(mc) prohibits [§] 62.13(5) as the exclusive procedure and requires

⁸ In WERC’s initial determination, it construed WIS. STAT. § 111.70(4)(mc) as prohibiting only the municipality from bargaining as to prohibited subjects. However, WERC abandoned that approach both before the circuit court and on appeal. WERC asserts on appeal that “if an employer is prohibited from bargaining collectively with respect to [a] proposal, it indeed is a ‘prohibited’ subject of bargaining ... regardless of whether it is proposed by a municipal employer or by a union representing municipal employees.” We agree that it would be unreasonable to read § 111.70(4)(mc) as permitting only the union to propose a prohibited subject of bargaining, especially in light of the other subjects prohibited under para. (4)(mc)2.-4., which include standards for discipline.

that if [§] 62.13(5) is a designated procedure, arbitration must also be an available procedure.”⁹ Although the City contends that this interpretation of § 111.70(4)(mc)1. detracts from the permissive language of § 111.70(4)(c)2.b., we conclude that it provides the only means of harmonizing these two provisions while also ensuring that no language is rendered superfluous. *See Messer*, 267 Wis. 2d 92, ¶9.

¶16 Although we conclude that the plain language of WIS. STAT. § 111.70(4)(c)2.b. and (4)(mc)1. is unambiguous, the combined meaning of these provisions gives rise to ambiguity. Therefore, in attempting to reconcile these two provisions, we have looked to the legislative history cited by the City. First, the City cites to summaries and memos of the legislative fiscal bureau¹⁰ issued both before and after the creation of § 111.70(4)(c)2.b. and (4)(mc). For example, prior to the enactment § 111.70(4)(c)2.b. and (4)(mc) in October 2007, the Legislative

⁹ The Union summarized this proposed interpretation of WIS. STAT. § 111.70(4)(c)2.b. and 111.70(4)(mc) as follows:

Under [§] 111.70(4)(c)2.b. and 111.70(4)(mc)1., ... an employer may propose and the parties may bargain regarding mediation, a mini-trial or any other dispute resolution procedure, including arbitration, as an alternative to the procedure set forth at [WIS. STAT. § 62.13(5)] However, the one thing that a municipal employer may not propose, and that parties cannot bargain about, the one thing that is a prohibited subject of collective bargaining, is any proposal that, by its terms, would require an employee who seeks to challenge a disciplinary action to follow the procedure set forth at [§ 62.13(5),] at the same time that it prohibits access to arbitration as an alternative

¹⁰ “The Wisconsin Legislative Fiscal Bureau is a nonpartisan service agency of the Wisconsin Legislature. The Bureau provides fiscal and program information and analyses to the Wisconsin Legislature, its committees, and individual legislators.” *See* Wisconsin State Legislature, Legislative Fiscal Bureau, <http://legis.wisconsin.gov/lfb/> (last visited May 3, 2011).

Fiscal Bureau released Employment Relations Commission (Paper #291) which discusses an amendment to the budget bill, 2007 SB 40, reflecting the governor's intent that subordinates be permitted to request a hearing before the police and fire commission or before an arbitrator appointed by WERC. The City contends that the fact that this amendment was never introduced reflects an express rejection of its terms by the legislature. However, we are not persuaded that the failure of this proposed amendment negates the subsequent passage of a similar provision.

¶17 The City additionally cites to a Legislative Fiscal Bureau Summary of Budget Provisions of the Committee of Conference dated October 2007. This summary addresses the changes to collective bargaining law, which included the adoption of WIS. STAT. § 111.70(4)(mc)1., stating:

The amendment would permit collective bargaining agreements for fire fighters to establish different dispute resolution procedures, including arbitration, than those provided under current law (PFC or other tribunal review and an option to appeal to the Circuit Court). Further, a municipal employer would be prohibited from bargaining collectively with respect to any prohibition of access to arbitration as an alternative to the disciplinary procedures under current law. As a result, each fire fighter collective bargaining agreement would be allowed to specify dispute resolution procedures applicable to the employees covered by each agreement.

The City argues, and we agree, that this “makes clear that a bargaining agreement is allowed to specify a specific dispute resolution procedure.” However, we do not agree with the City that this language “explicitly rejects any statutory

interpretation requiring arbitration in lieu of the WIS. STAT. § 62.13 procedures.”¹¹ Nor does the governor’s veto message support the City’s interpretation. The governor’s veto message provides that § 111.70(4)(c)2.b. and (4)(mc) “permit collective bargaining agreements ... to contain dispute resolution procedures as an alternative to the Circuit Court appeals process. In addition, municipal employers are prohibited from refusing to collectively bargain ... over arbitration” The City argues that this legislative history demonstrates that arbitration is just one alternative means of dispute resolution. While that is true, and WERC concedes as much, none of this history rules out our bottom line conclusion that § 111.70(4)(c)2.b. permits arbitration while § 111.70(4)(mc)1. requires arbitration as an alternative if § 62.13(5) is a designated procedure.

¶18 Finally, we recognize Wisconsin’s long history with police and fire commissions. *City of Madison v. DWD*, 2003 WI 76, ¶13, 262 Wis. 2d 652, 664 N.W.2d 584 (police and fire commissions were created and endowed with statutory responsibilities and prerogatives over 100 years ago in 1897). We also

¹¹ The City also cites to a legislative council staff memorandum entitled Disciplinary Procedures for Law Enforcement Officers and Fire Fighters Under 2007 Wisconsin Act 20, dated January 3, 2008, after the passage of WIS. STAT. § 111.70(4)(c)2.b. and (4)(mc). The memo cited by the City is not part of the public record nor is it included in the appellate record; however, it is in the City’s appendix, was referenced by WERC in its decision and no issue is raised as to its authenticity. While both parties identify portions of the memo which they assert support their position, even the author of the legislative council memo cautioned against reliance on her analysis, stating:

The new statutory language ... is general in nature, without substantial detail. The legislative history of the provisions does not provide much assistance in discerning the intent underlying the language or in predicting how the language will be interpreted by the courts.... Consequently, many of the questions raised may not be definitively answered until the Act’s language is clarified by legislation or interpreted by the courts.

acknowledge the City's concern regarding the impact of WIS. STAT. § 111.70(4)(mc)1. on bargaining and local control, including the possibility that it could reduce the role of the police and fire commissions in this state or, at the very least, create a procedure involving two potential decision makers.¹² However, we may not substitute our judgment for that of the legislature; we may not rewrite the statute. See *Bank of Commerce v. Waukesha Cnty.*, 89 Wis. 2d 715, 724, 279 N.W.2d 237 (1979) (it is not the function of the court to rewrite the statutes; a court of review is bound to interpret the statutory language and intent as it is written); see also *State v. Bruckner*, 151 Wis. 2d 833, 844, 447 N.W.2d 376 (Ct. App. 1989) (we must construe what has been written; it is not for us to add or subtract, delete or distort).

Conclusion

¶19 We conclude that WIS. STAT. § 111.70(4)(c)2.b. and (4)(mc)1., read together, permit the negotiation of alternative dispute resolution procedures, but require arbitration as an alternative if WIS. STAT. § 62.13(5) is a designated procedure. We therefore uphold WERC's determination in favor of the Menasha Professional Police Union. We affirm the circuit court's order.

By the Court.—Order affirmed.

Recommended for publication in the official reports.

¹² These arguments echo in part those of the amici curiae, The Wisconsin Chiefs of Police Association and the Wisconsin Fire Chiefs Association. While we acknowledge these broader concerns regarding the status of WIS. STAT. § 62.13(5) disciplinary procedures in light of WIS. STAT. § 111.70(4)(mc)1., the narrow issue on appeal concerns the statutory interpretation of § 111.70(4)(c)2.b. and (4)(mc)1.

No. 2010AP1799(C)

¶20 REILLY, J. (*concurring*). I concur but for slightly different reasons. I believe W.S. STAT. § 111.70(4)(c)2.b. & (4)(mc) are not ambiguous when read together. I read the statutes as a clear legislative determination that as it relates to arbitration in matters involving police and fire members that bargaining as it relates to dispute resolution procedures is not collective, it is dictatorial. The union may, under § 111.70(4)(c)2.b., include arbitration within a collective bargaining agreement. The union may likewise choose not to include arbitration as a dispute resolution procedure within the collective bargaining agreement. The City, per § 111.70(4)(mc) must remain silent at the bargaining sessions and acquiesce to the wishes of the union as it relates to arbitration.

¶21 I also differ with the majority in the premise that the arbitration procedure exists as an alternative even if the collective bargaining agreement sets forth only WIS. STAT. § 62.13(5) as the dispute resolution procedure. If the union does not include arbitration within the collective bargaining agreement then they have waived the right to require arbitration within the term of that agreement.

6/27/11

To: Menasha Police Commission
Ron Duuck, Chairman

Re: New Police Chief

Chairman Duuck and Police Commissioners,

I am writing as a follow-up to my comments at the 6/20/11 common council meeting. I most strongly recommend the commission consider making Lt. Mike Brunn permanent Chief of Police for the city of Menasha. Lt. Brunn has the education, credentials and experience to seamlessly transition to the permanent position. Lt. Brunn has willingly accepted the duty to be interim chief on numerous occasions during his tenure and again now, post retirement of Chief Stanke. Lt. Brunn is a lifelong city resident, a career member of the police department, he knows the community and the staff but most importantly, he knows the financial challenges we face as a community. The commission can save time, energy and money by avoiding a long term search when a qualified candidate is currently managing the department.

It would be a travesty not to make Lt. Brunn permanent Chief.

Sincerely,

Chris Klein
District 1 Alderman
730 Keyes St.
Menasha, WI 54952
920-740-7641

Cc: Menasha Common Council

CITY OF MENASHA
COMMON COUNCIL
Third Floor Council Chambers
140 Main Street, Menasha
Monday June 20, 2011
MINUTES

DRAFT

A. CALL TO ORDER

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

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL/EXCUSED ABSENCES

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

EXCUSED: Alderman Zelinski

ALSO PRESENT: Mayor Merkes, CA/HRD Captain, Lt. Brunn, DPW Radtke, CDD Keil, PRD Tungate, C/T Stoffel, Clerk Galeazzi and the Press

DEPT. HEAD EXCUSED: PHD Nett

D. PUBLIC HEARING

None

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

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

Vince Knuth, 46 Lawson Street. Concerned with lights from the mill shinning in his yard; questions on zoning changes; who requested right-of-way by his property to be cleaned up.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

1. Proclamation recognizing Syring Development Ltd. & Kenwood Associates Ltd. 40 years in business

Mayor Merkes read and presented a proclamation recognizing Ken Syring of Syring Development for his business accomplishments. Mr. Syring thanked the Mayor and Council from both him and his wife Kathleen for the recognition and support.

2. Proclamation designating July as Parks and Recreation Month

Mayor Merkes read and presented a proclamation to PRD Tungate designating July as Parks and Recreation Month.

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

Minutes to receive:

- a. Administration Committee, 6/6/11
- b. Board of Public Works, 6/6/11
- c. Board of Health, 4/13/11
- d. Committee on Aging, 4/14/11
- e. Information Technology Steering Committee, 6/14/11
- f. NM Fire Rescue Joint Finance & Personnel Committee, 5/24/11
- g. Personnel Committee, 6/6/11
- h. Plan Commission, 6/7/11
- i. Police Commission, 5/23/11, 6/10/11
- j. Redevelopment Authority, 5/25/11
- k. Safety Committee, 4/14/11; City Hall
- l. Safety Committee, 3/29/11; Police
- m. Safety Committee, 4/26/11; Public Works/Parks
- n. Water & Light Commission, 5/25/11

Communications:

- o. Customers First! June 2011 Newsletter, *the Wire*
- p. Public Works Facility, May 2011 Disposal Violations
- q. Remley & Sensenbrenner, 6/7/11; Tom Schanke-Lot No. 16 of Lake Park Villas
- r. Valley Transit; 6/1/11; Refund for 2010 fixed route services
- s. Winnebago County Libraries 2010 Highlights

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS, Cont'd.

Moved by Ald. Sevenich, seconded by Ald. Langdon to receive Minutes and Communications A-S.

Discussion: Ald. Klein-Police Commission Minutes, Lt. Brunn good candidate for Police Chief, no need for long drawn out search process.

Ald. Sevenich-Police Commission Minutes, leave hiring of Police Chief to Police Commission

Motion carried on voice vote.

G. CONSENT AGENDA

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

Minutes to approve:

1. Common Council, 6/6/11

Board of Public Works, 6/6/11; recommends approval of:

2. [Change Order – Sam Sommers Concrete; Contract Unit No. 2011-02; New Street Construction-Concrete Curb and Gutter/Concrete Walk; DEDUCT: \\$29,284.87](#)
3. [Recommendation to Submit Ballot Requesting Winnebago County to Refund the Recycling Revenue Surplus of \\$330,887.00 to Signing Municipalities Based upon each Municipality's Actual Tonnage Processed and Sold for Year 2010](#) and to cast a ballot to refund the recycling revenue to the City
4. [Recommendation to Enter into Agreement with WisDOT Regarding 2011-2014 Local Bridge Program \(Third Street/Brighton Drive Bridge\)](#)

Ald. Taylor requested to remove item 2 (Change Order-Sam Sommers Concrete) from Consent Agenda.

Moved by Ald. Sevenich, seconded by Ald. Langdon to approve items 1, 3, 4 of Consent Agenda

Motion carried on roll call 7-0.

H. ITEMS REMOVED FROM CONSENT AGENDA

1. Moved by Ald. Taylor, seconded by Ald. Englebert to approve item 2 (Change Order-Sam Sommers Concrete)

Discussion: DPW Radtke explained he is waiting for the contractor to provide evidence for the increase cost for the remaining part of the project.

Motion carried on roll call 6-1. Ald. Benner - no

I. ACTION ITEMS

1. Accounts payable and payroll for the term of 6/9/11 to 6/16/11 in the amount of \$1,585,984.88

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

Discussion/Questions/Answers on expenditures.

Motion carried on roll call 7-0.

2. Renewal of Liquor License for July 1, 2011-June 30, 2012:

- a. Buddi Sagar Subedi, d/b/a N.P. Mart, 209 Racine St. Menasha
- b. Stop N Go LLC, 1200 Plank Rd Menasha, Kamaljit Gill/Agent
- c. Hot Brass, LLC, d/b/a The Locker Room, 800 Plank Rd. Menasha, Frederick Schroeder/Agent
- d. Erica Redlin, d/b/a/ Redliner, 977 Plank Rd. Menasha

Moved by Ald. Klein, seconded by Ald. Sevenich to approve renewal of liquor license for all listed (a-d)

Motion carried on roll call 7-0.

3. Reserve "Class B" Liquor License Application, Whiting LLC, Michael Roy Whiting, agent for the premise at 14 Tayco Street, d/b/a Mi Casa Mexican Grill for July 1, 2011-June 30, 2012.

Moved by Ald. Klein, seconded by Ald. Englebert to approval Reserve "Class B" license for Whiting LLC.

Motion carried on roll call 7-0.

I. ACTION ITEMS, Cont'd.

4. Outdoor Alcoholic Beverage Applications for July 1, 2011-June 30, 2012:

- a. Hot Brass, LLC, d/b/a The Locker Room, 800 Plank Rd. Menasha, Frederick Schroeder/Agent
- b. Whiting LLC, d/b/a Mi Casa Mexican Grill, 14 Tayco Street, Michael Roy Whiting/Agent
- c. Erica Redlin, d/b/a/ Redliner, 977 Plank Rd. Menasha

Moved by Ald. Klein, seconded by Ald. Englebert to approval Outdoor Alcoholic Beverage Permits for all listed (a-c)

Motion carried on roll call 7-0.

5. Change of Agent for Kwik Trip, Inc., 1870 USH 10/STH 114, to Jessica A. Hartjes, 516 Steven Street, Combined Locks.

Moved by Ald. Klein, seconded by Ald. Ald. Krueger to approval Change of Agent for Kwik Trip, Inc.

Motion carried on roll call 7-0.

6. Street Use Permit – Parade of Lights; Sunday July 3, 2011; 9:15 PM-10:15 PM

Moved by Ald. Taylor, seconded by Ald. Benner to approval Street Use Permit for Parade of Lights

Motion carried on roll call 7-0.

J. ORDINANCES AND RESOLUTIONS

1. [O-6-11 – Ordinance relating to the paving of driveways and parking lots \(Introduced by Ald. Taylor & Zelinski\) \(Recommended by Plan Commission\)\(2nd Introduction\)](#)

Moved by Ald. Taylor, seconded by Ald. Benner to adopt O-6-11.

Motion carried on roll call 7-0.

2. O-7-11 (Substitute Amendment 1) – An Ordinance Amending Chapter 2, Mayor and Common Council (Introduced by Ald. Sevenich)(1st introduction)

No Action.

K. APPOINTMENTS

1. Hearing to remove Andrew Jennings from the Landmarks Commission

CA/HRD Captain explained Mr. Jennings has moved out of the City and attempts to contact him have failed. By City ordinance, the Council can remove a member of a committee/board/commission if they do not attend more than 50% of the meeting in a 12 month period. This is the case with Mr. Jennings.

Moved by Ald. Sevenich, seconded by Ald. Krueger to remove Andrew Jennings from Landmarks Commission for not attending more than 50% of the meeting in a 12 month period.

Motion carried on roll call 7-0.

2. Mayor's Appointment to the Landmarks Commission

- a. James Taylor, 724 Milwaukee Street, for the term of June 20, 2011 to March 4, 2014

Moved by Ald. Sevenich, seconded by Ald. Krueger to approve appointment of James Taylor

Motion carried on voice vote

L. HELD OVER BUSINESS

None

M. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA

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

No one spoke.

N. RECESS TO ADMINISTRATION COMMITTEE, BOARD OF PUBLIC WORKS, PERSONNEL COMMITTEE

Moved by Ald. Benner, seconded by Ald. Langdon to recess at 6:35 p.m.

Motion carried on voice vote.

Reconvened at 7:45 p.m.

O. CLAIMS AGAINST THE CITY

1. Notice of Circumstances of Claim – Thomas Schanke, Lot no. 16 of Lake Park Villas

CA/HRD Captain explained Thomas Schanke filed a Notice of Circumstance of Claim. This is the notification that they plan to file a claim. The City now starts preparing for a potential claim.

CA/HRD Captain stated any other questions or discussion on this topic should be done in closed session.

P. ADJOURNMENT

Moved by Ald. Benner, seconded by Ald. Krueger to adjourn into Closed Session, pursuant to Wis. Stats.

§19.85(1)(g): Conferring with legal counsel for the governmental body who is rendering oral or written advise concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved (Notice of Circumstances of Claim – Thomas G. Schanke)

Motion carried on roll call 7-0.

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

City of Menasha Driveway Installation Policy

1. This Driveway Installation Policy has been adopted by the Common Council as a supplement to Section 13-1-51(b)(1) of the Municipal Code and applies to R-1, R-1A, R-2, and R-2A zoning districts. It is intended to assist with interpretation and application of the section but may not cover all situations encountered.
2. A Driveway Permit and Zoning Permit from the Building Inspection Office and a Grade Request from the Department of Public Works shall be obtained prior to installation of any driveway, driveway extension, or parking area. Permit applications shall include a site plan drawn to scale showing the location and dimensions of the driveway or parking area in relation to all property lines, structures, service walks, sidewalks, and street rights of way along with specifications showing the proposed materials and cross sectional dimensions.
3. The following standards shall apply:
 - a. All driveways, driveway extensions, parking areas, and driveway aprons constructed after July 1, 2011 shall be surfaced ("paved") with a durable dust-free material acceptable to the Department of Public Works. Alternative materials shall be approved prior to installation by the Director of Public Works as part of the Driveway Permit application. This paving requirement shall not apply to parking areas utilized solely for storage of recreational vehicles in compliance with Sec. 13-1-52.
 - b. Approved paving materials include concrete, asphalt, brick, and similar durable, dust free materials acceptable to the Department of Public Works. Durable, dust free pervious paving materials specifically designed to reduce stormwater runoff are encouraged and may be utilized upon approval by the Director of Public Works.
 - c. The minimum width of any paved driveway or parking area shall be nine (9) feet. If a property does not have a garage, carport, or rear yard parking area, the property owner shall be required to have a minimum area of 320 square feet of paved area per dwelling unit. The minimum paved area shall be adjacent to the driveway apron.
 - d. The following minimum installation standards shall apply:
 - Concrete shall be finished to a minimum thickness of 4" and installed on a minimum 4" base of ¾" crushed aggregate;
 - Asphalt shall be finished to a minimum thickness of 2 ½" and installed on a minimum 6" base of ¾" crushed aggregate;
 - Paving bricks shall be no less than 2 ¼" thick and installed on a minimum 4" base of approved granular material.

- Similar durable, dust-free materials approved by the Department of Public Works shall be installed in a manner that is consistent with professional installation standards.
- e. The following restrictions apply to the front yard area:
- In no case shall a driveway or parking area be widened to extend in front of the dwelling for parking or driving purposes.
 - Paved pedestrian walkways in the front yard that are immediately adjacent to a driveway and lead to an entry or service door may be approved by the Zoning Administrator and/or designee at the time of permit application. Such walkways may not be utilized for parking or driving purposes.
 - Pavers and similar decorative surfaces installed in the front yard as landscaping or aesthetic amenities shall not be used for parking or driving purposes.
4. Any other areas beyond the minimum requirements that are used for parking or driving purposes must either be paved according to the standards above or converted back to a grass/lawn surface by completely removing any gravel or non-conforming driveway surface and installing a minimum of 2" of topsoil prior to seeding.
 5. If a driveway is to be completely removed, the driveway apron shall also be completely removed and the area restored to grass/lawn area as stated above and the full curb section reinstalled. Replacing the curb requires an Excavation Permit and must be performed in accordance with City specifications.
 6. Repairs to existing hard surfaced driveways shall be made with materials of the same type as the existing hard surface unless the entire driveway is being replaced.
 7. Extent of Surfacing Requirements:
 - a. All driveway aprons shall be paved in accordance with City specifications.
 - b. When a garage is present, the entire length of driveway from the street right of way to the face of the garage must be paved.
 - c. When a carport is present, the entire length of the driveway from the street right of way along with the base of the carport must be paved.
 - d. When no garage or carport is present, any portion of the driveway or parking area that falls within the front and/or side yards of the property and any portion leading to and including a rear parking area must be paved.
 - e. On properties with existing unique physical or structural characteristics that are not addressed herein, the Zoning Administrator and/or designee shall make the final determination regarding the extent of required surfacing.



Memorandum

To: Common Council
From: Greg Keil, CDD 
Date: June 30, 2011
RE: Driveway Installation Policy and Permit Fees

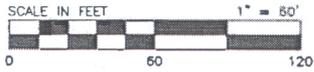
The Driveway Installation Policy is a companion to Ordinance 0-6-11 Relating to the Paving of Driveways and Parking Lots. It establishes procedures for permitting driveways and establishes standards for their siting and construction. The Community Development Department recommends that a fee of \$40.00 be established to cover the cost of permit application processing and driveway construction inspection.

REFERENCE DRAWING

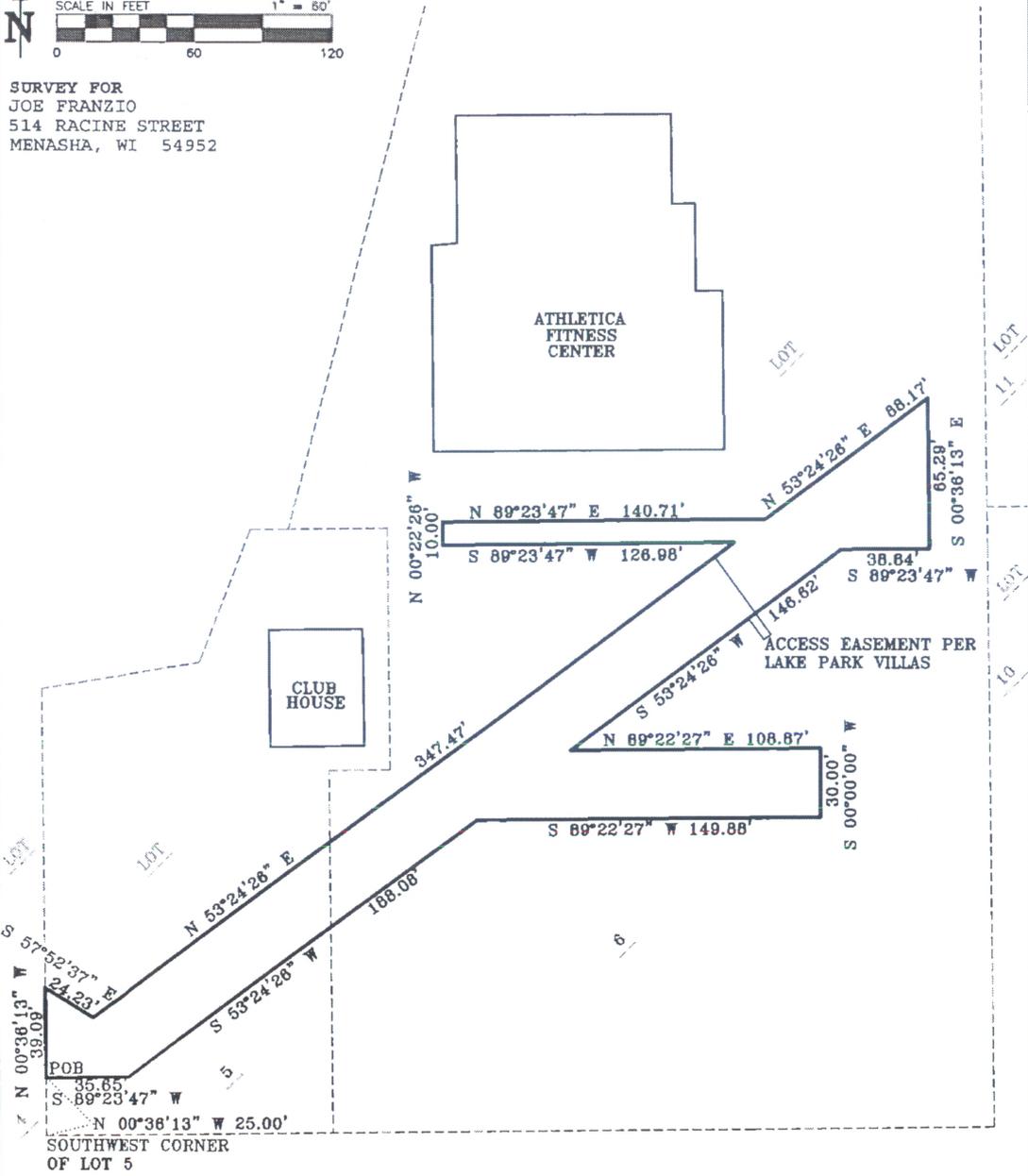
PART OF LOTS 5 AND 6 OF LAKE PARK VILLAS, LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4, SECTION 17, TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF MENASHA, CALUMET COUNTY, WISCONSIN



BEARINGS ARE REFERENCED TO MATCH LAKE PARK VILLAS PLAT



SURVEY FOR
 JOE FRANZIO
 514 RACINE STREET
 MENASHA, WI 54952



Martenson & Eisele, Inc.
 1377 Midway Road
 Menasha, WI 54952
 www.martenson-eisele.com
 info@martenson-eisele.com
 920.731.0381 1.800.236.0381

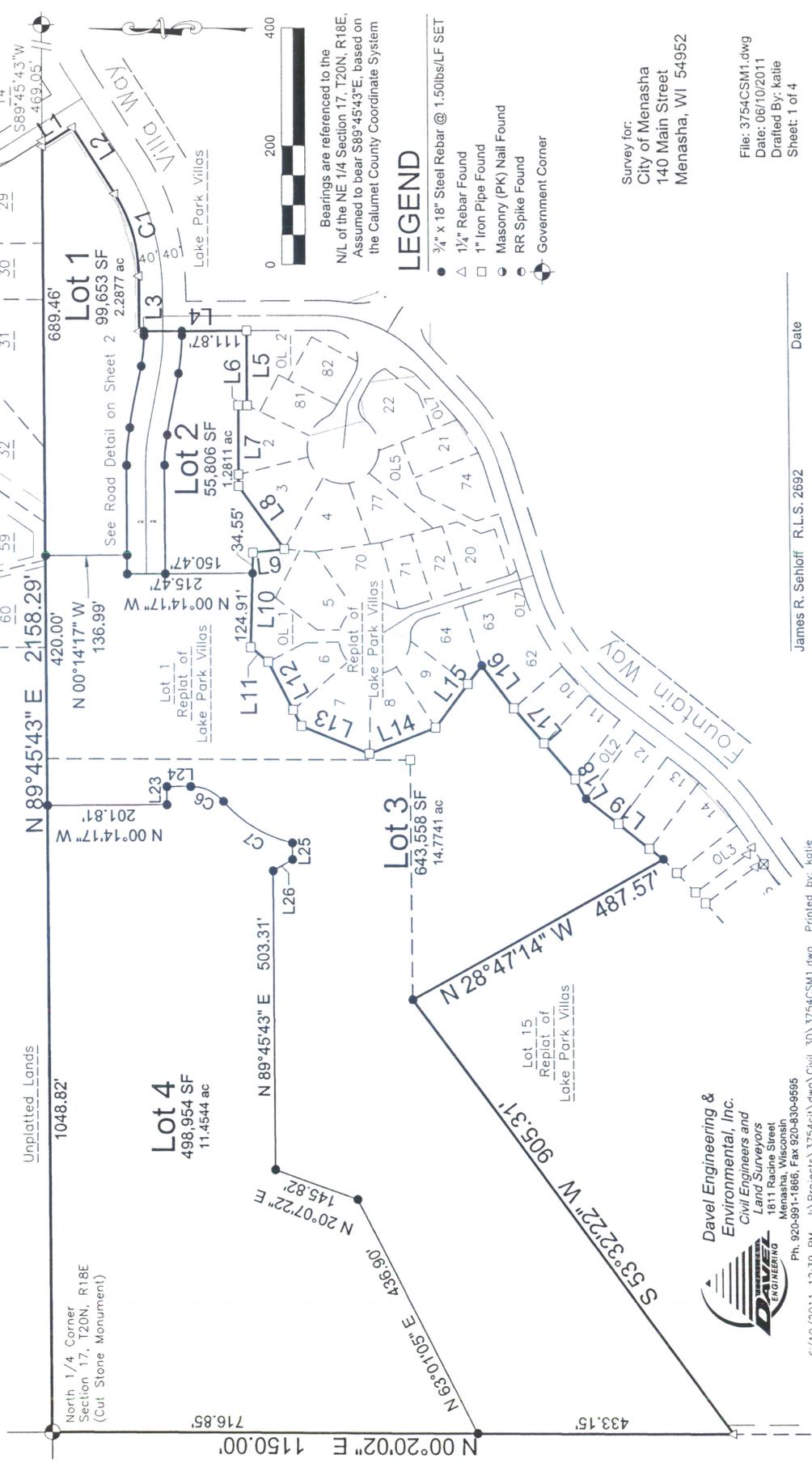
Planning
 Environmental
 Surveying
 Engineering
 Architecture

PROJECT NO. 616-1598
 FILE 6161598_EASREL
 THIS INSTRUMENT WAS DRAFTED BY: DMS

REVISED 6-20-11
SECTION 1

Certified Survey Map No.

All of Lot 1, of Replat of Lots 1, 2, 55-61, 65-69, 73, 75, 76, 78-80, 119, 120, Outlots 8-9 and Outlot 24 of Lake Park Villas, being part of the Northwest 1/4 of the Northeast 1/4 and Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 17, Township 20 North, Range 18 East, City of Menasha, Calumet County, Wisconsin.



Northeast Corner
Section 17, T20N, R18E
(Aluminum Monument)

North 1/4 Corner
Section 17, T20N, R18E
(Cut Stone Monument)



Bearings are referenced to the
N/L of the NE 1/4 Section 17, T20N, R18E,
Assumed to bear S89°45'43\"/>

LEGEND

- 3/4" x 18" Steel Rebar @ 1.50lbs/LF SET
- △ 1/4" Rebar Found
- 1" Iron Pipe Found
- Masonry (PK) Nail Found
- RR Spike Found
- ⊙ Government Corner

Survey for:
City of Menasha
140 Main Street
Menasha, WI 54952

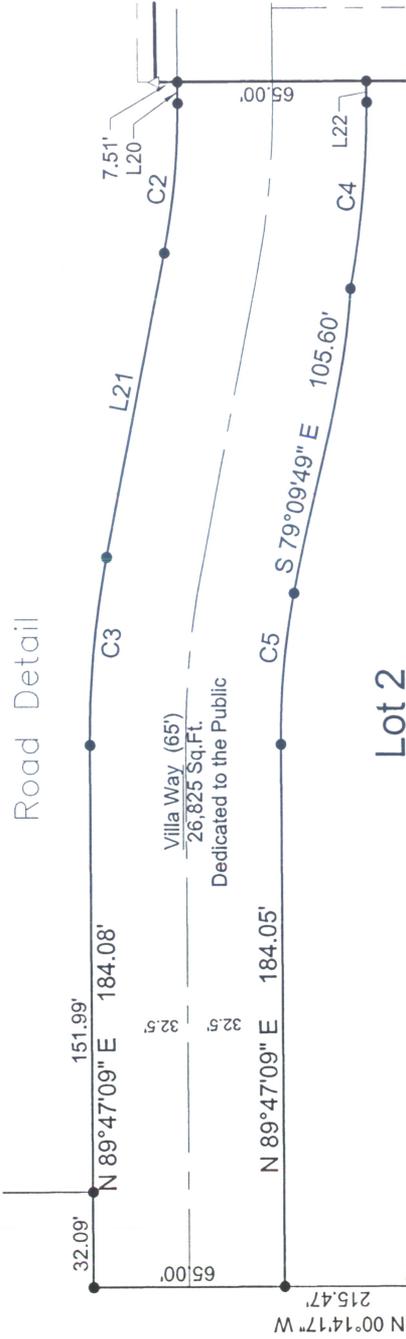
File: 3754CSM1.dwg
Date: 06/10/2011
Drafted By: Katie
Sheet: 1 of 4

Davel Engineering & Environmental, Inc.
Civil Engineers and Land Surveyors
1811 Racine Street
Menasha, Wisconsin
Ph. 920-991-1866, Fax 920-830-9695

6/10/2011 12:39 PM J:\Projects\3754c1\dwg\Civil 3D\3754CSM1.dwg Printed by: katie

James R. Sahloff R.L.S. 2692 Date

Certified Survey Map No. _____



Bearings are referenced to the N/L of the NE 1/4 Section 17, T20N, R18E, Assumed to bear S89°45'43"E, based on the Calumet County Coordinate System

Lot 2

LINE TABLE		
Line	Bearing	Length
L1	S 32°17'48" E	60.00'
L2	S 57°42'16" W	132.83'
L3	S 89°45'43" W	92.82'
L4	S 00°14'17" E	184.38'
L5	S 89°45'43" W	125.00'
L6	N 00°14'17" W	15.71'
L7	S 89°45'43" W	136.45'
L8	S 53°52'53" W	132.04'
L9	N 06°40'19" W	53.85'

LINE TABLE		
Line	Bearing	Length
L10	N 88°25'05" W	159.46'
L11	S 39°37'03" W	38.64'
L12	S 62°31'01" W	121.55'
L13	S 22°23'46" W	122.36'
L14	S 21°15'10" E	119.30'
L15	S 52°55'13" E	130.51'
L16	S 52°57'34" W	89.97'
L17	S 48°48'52" W	158.18'
L18	S 61°00'20" W	37.52'

LINE TABLE		
Line	Bearing	Length
L19	S 37°51'25" W	165.74'
L20	N 89°46'26" E	7.24'
L21	S 79°09'49" E	105.60'
L22	N 89°46'26" E	7.25'
L23	S 89°47'09" W	30.33'
L24	N 00°12'51" W	41.16'
L25	N 89°45'43" E	27.62'
L26	S 29°41'49" E	38.00'

CURVE TABLE						
Curve	Radius	Chord Direction	Chord Length	Arc Length	Central Angle	
C1	260.00'	S 73°43'58" W	143.59'	145.48'	32°03'31"	
C2	267.50'	S 84°41'41" E	51.57'	51.65'	11°03'45"	
C3	332.50'	S 84°41'20" E	64.03'	64.13'	11°03'02"	
C4	332.50'	S 84°41'41" E	64.10'	64.20'	11°03'45"	
C5	267.50'	S 84°41'20" E	51.51'	51.59'	11°03'02"	
C6	75.00'	N 24°03'35" E	61.67'	63.55'	48°32'53"	
C7	225.00'	N 30°38'15" E	136.79'	138.99'	35°23'32"	

File: 3754CSM1.dwg
 Date: 06/10/2011
 Drafted By: kate
 Sheet: 2 of 4

James R. Sehoff R.L.S. 2692 Date

6/10/2011 10:09 AM J:\Projects\3754cct\dwg\Civil_3D\3754CSM1.dwg Printed by: kate

Certified Survey Map No. _____

Surveyor's Certificate

I, James R. Sehloff, registered land surveyor, hereby certify: That in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the City of Menasha and Calumet County, and under the direction of City of Menasha, the property owners of said land, I have surveyed divided and mapped this Certified Survey Map; that such map correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is all of Lot 1, of Replat of Lots 1, 2, 55-61, 65-69, 73, 75, 76, 78-80, 119, 120, Outlots 4-5, Outlots 8-9 and Outlot 24 of Lake Park Villas (hereafter referred to as Replat of Lake Park Villas), being part of the Northwest 1/4 of the Northeast 1/4 and Northeast 1/4 of the Northeast 1/4 and part of the Northwest 1/4 of the Northeast 1/4 of Section 17, Township 20 North, Range 18 East, City of Menasha, Calumet County, Wisconsin containing 1,324,800 Square Feet (30.4132 Acres) of land described as follows:

Commencing at the Northeast corner of Section 17; thence along the North line of the Northeast 1/4 of said Section 17, S89°45'43"W, 469.05 feet to the point of beginning; thence along the Westerly right of way of Manitoba Street, S32°17'48"E, 60.00 feet to the Northerly right of way line of Villa Way; thence along said Northerly right of way, S57°42'16"W, 132.83 feet; thence continuing along said Northerly right of way, 145.48 feet along the arc of a curve to the right with a radius of 260.00 feet and a chord of 143.59 feet which bears S73°43'58"W; thence continuing along said Northerly right of way, S89°45'43"W, 92.82 feet to the East line of said Lot 1 of said Replat of Lake Park Villas; thence along said East line, S00°14'17"E, 184.38 feet the North line of Outlot 2, Lake Park Villas; thence along said North line of Outlot 2, S89°45'43"W, 126.00 feet to a point on the East line of Lot 2, of said Replat of Lake Park Villas; thence along said East line of Lot 2, N00°14'17"W, 15.71 feet to the Northeast Corner of said Lot 2; thence along said North line of Lot 2 and the extension thereof, S89°45'43"W, 136.45 feet to a corner on the Northerly line of Lot 3 of said Replat of Lake Park Villas; thence along said Northerly line of Lot 3, S53°52'53"W, 132.04 feet to the East line of Outlot 1, of said Replat of Lake Park Villas; thence along said East line of Outlot 1, N06°40'19"W, 53.85 feet to the Northeast corner of said Outlot 1; thence along the North line of said Outlot 1, N88°25'05"W, 159.46 feet to a point on the said North line of Outlot 1; thence continuing along said North line of Outlot 1; S39°37'03"W, 38.64 feet to the Northerly corner of Lot 6 of said Replat of Lake Park Villas; thence along the Northwesterly line of said Lot 6 and the extension thereof; S62°31'01"W, 121.55 feet to a point on the Northwesterly line of Lot 7 of said Replat of Lake Park Villas thence along the said Northwesterly line S22°23'46"W, 122.36 feet to the Northwest corner of Lot 8 of said Replat of Lake Park Villas; thence along the West line of said Lot 8, S21°15'10"E, 119.30 feet to the Northwest Corner of Lot 9 of said Replat of Lake Park Villas; thence along the Southwesterly line of Lot 9 and the extension thereof S52°55'13"E, 130.51 feet to the Southwest corner of Lot 64 of said Lake Park Villas; thence along the North line of Lot 62 of said Lake Park Villas, S52°57'34"W, 89.97 feet to the Northerly Corner of Lot 10 of said Replat of Lake Park Villas; thence along the Northwesterly line of said Lot 10 and the extension thereof, S48°48'52"W, 158.18 feet to the Northerly corner of Outlot 2 of said Replat of Lake Park Villas; thence along the West line of said Outlot 2, S61°00'20"W, 37.52 feet to the Northerly corner of Lot 12 of said Replat of Lake Park Villas; thence along the Westerly line of Lot 12 and the extension thereof, S37°51'25"W, 165.74 feet to a point on the Northwesterly line of Lot 14 of said Replat of Lake Park Villas; thence along the Northerly line of Lot 15 of said Replat of Lake Park Villas, N28°47'14"W, 487.57 feet to the Northerly corner of said Lot 15; thence continuing along said Northerly line S53°32'22"W, 905.31 feet to a point on the West line of said Northeast 1/4; thence along said West line N00°20'02"E, 1150.00 feet to the North 1/4 corner of said Section 17; thence along the North line of said Northeast 1/4 N89°45'43"E, 2158.29 feet to the point of beginning, subject to all easements, and restrictions of record.

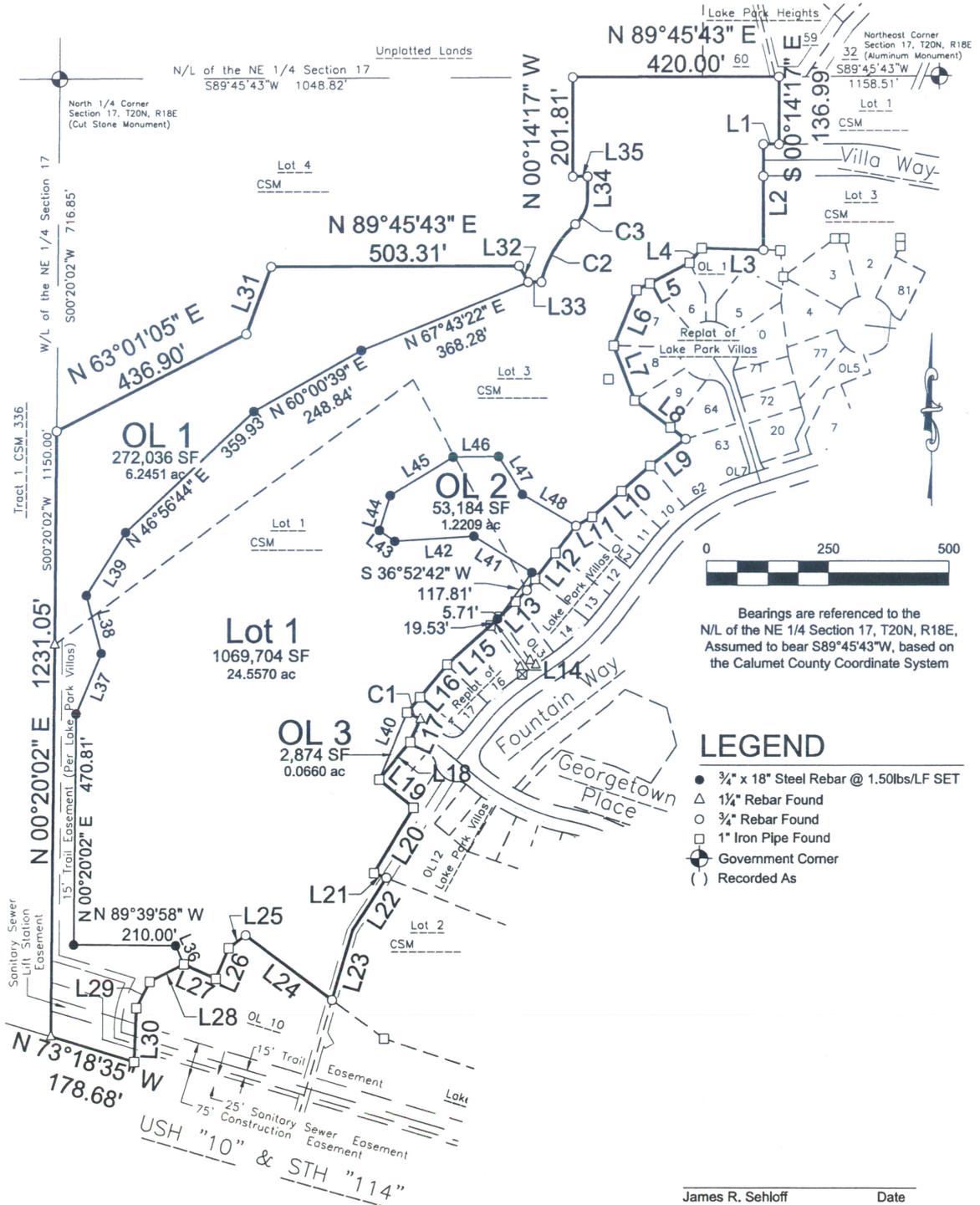
Given under my hand this _____ day of _____, _____.

James R. Sehloff, Wisconsin Registered Land Surveyor No. S-2692

REVISED 6-20-11
SECTION 2

Certified Survey Map No. _____

All of Lot 1 CSM _____ and all of Lot 3 CSM _____ being part of the Northwest 1/4 of the Northeast 1/4, part of the Northeast 1/4 of the Northeast 1/4 and part of the Southwest 1/4 of the Northeast 1/4 all located in Section 17, Township 20 North, Range 18 East, City of Menasha, Calumet County, Wisconsin.



Bearings are referenced to the N/L of the NE 1/4 Section 17, T20N, R18E, Assumed to bear S89°45'43"W, based on the Calumet County Coordinate System

- LEGEND**
- 3/4" x 18" Steel Rebar @ 1.50lbs/LF SET
 - △ 1 1/4" Rebar Found
 - 3/4" Rebar Found
 - 1" Iron Pipe Found
 - ⊙ Government Corner
 - () Recorded As

James R. Sehloff Date
Registered Land Surveyor No. S-2692

Davel Engineering & Environmental, Inc.
Civil Engineers and Land Surveyors
1811 Racine Street
Menasha, Wisconsin
Ph. 920-991-1866, Fax 920-830-9595

COMMON COUNCIL 7/5/11 PAGE 365
City of Menasha
140 Main Street
Menasha, WI 54952

File: 3754CSM3.dwg
Date: 06/21/2011
Drafted By: jim
Sheet: 1 of 4

Certified Survey Map No. _____

CURVE TABLE					
Curve	Radius	Chord Direction	Chord Length	Arc Length	Central Angle
C1	475.01'	S 62°39'50" E	30.05'	30.05'	3°37'29"
C2	225.00'	N 30°38'15" E	136.79'	138.99'	35°23'32"
C3	75.00'	N 24°03'35" E	61.67'	63.55'	48°32'53"

LINE TABLE		
Line	Bearing	Length
L1	S 89°47'09" W	32.09'
L2	S 00°14'17" E	215.47'
L3	N 88°25'05" W	124.91'
L4	S 39°37'03" W	38.64'
L5	S 62°31'01" W	121.55'
L6	S 22°23'46" W	122.36'
L7	S 21°15'10" E	119.30'
L8	S 52°55'13" E	130.51'
L9	S 52°57'34" W	89.97'
L10	S 48°48'52" W	158.18'
L11	S 61°00'20" W	37.52'
L12	S 37°51'25" W	165.74'
L13	S 45°53'19" W	77.83'
L14	S 46°37'51" W	25.23'
L15	S 48°22'44" W	119.31'
L16	S 39°52'31" W	127.21'
L17	S 23°59'57" W	50.23'
L18	S 39°08'03" W	99.52'
L19	S 50°51'57" E	90.57'
L20	S 30°56'30" W	155.61'
L21	S 68°31'23" E	27.26'
L22	S 32°18'56" W	126.12'
L23	S 15°56'13" W	147.71'
L24	N 52°57'01" W	218.85'

LINE TABLE		
Line	Bearing	Length
L25	S 52°52'40" W	42.99'
L26	S 22°38'13" W	67.40'
L27	N 65°57'47" W	71.94'
L28	S 63°14'44" W	78.77'
L29	S 27°00'47" W	60.11'
L30	S 02°14'47" W	109.49'
L31	N 20°07'22" E	145.82'
L32	S 29°41'49" E	38.00'
L33	N 89°45'43" E	27.82'
L34	N 00°12'51" W	41.16'
L35	S 89°47'09" W	30.33'
L36	N 24°12'22" W	41.46'
L37	N 22°41'53" E	132.95'
L38	N 14°46'40" W	122.08'
L39	N 32°11'13" E	151.13'
L40	N 22°26'51" E	148.10'
L41	N 58°20'43" W	154.19'
L42	S 86°15'32" W	162.66'
L43	N 54°35'39" W	38.33'
L44	N 17°12'31" E	73.95'
L45	N 58°32'45" E	150.46'
L46	N 89°23'40" E	93.52'
L47	S 32°32'12" E	91.55'
L48	S 60°14'47" E	127.95'

Certified Survey Map No. _____

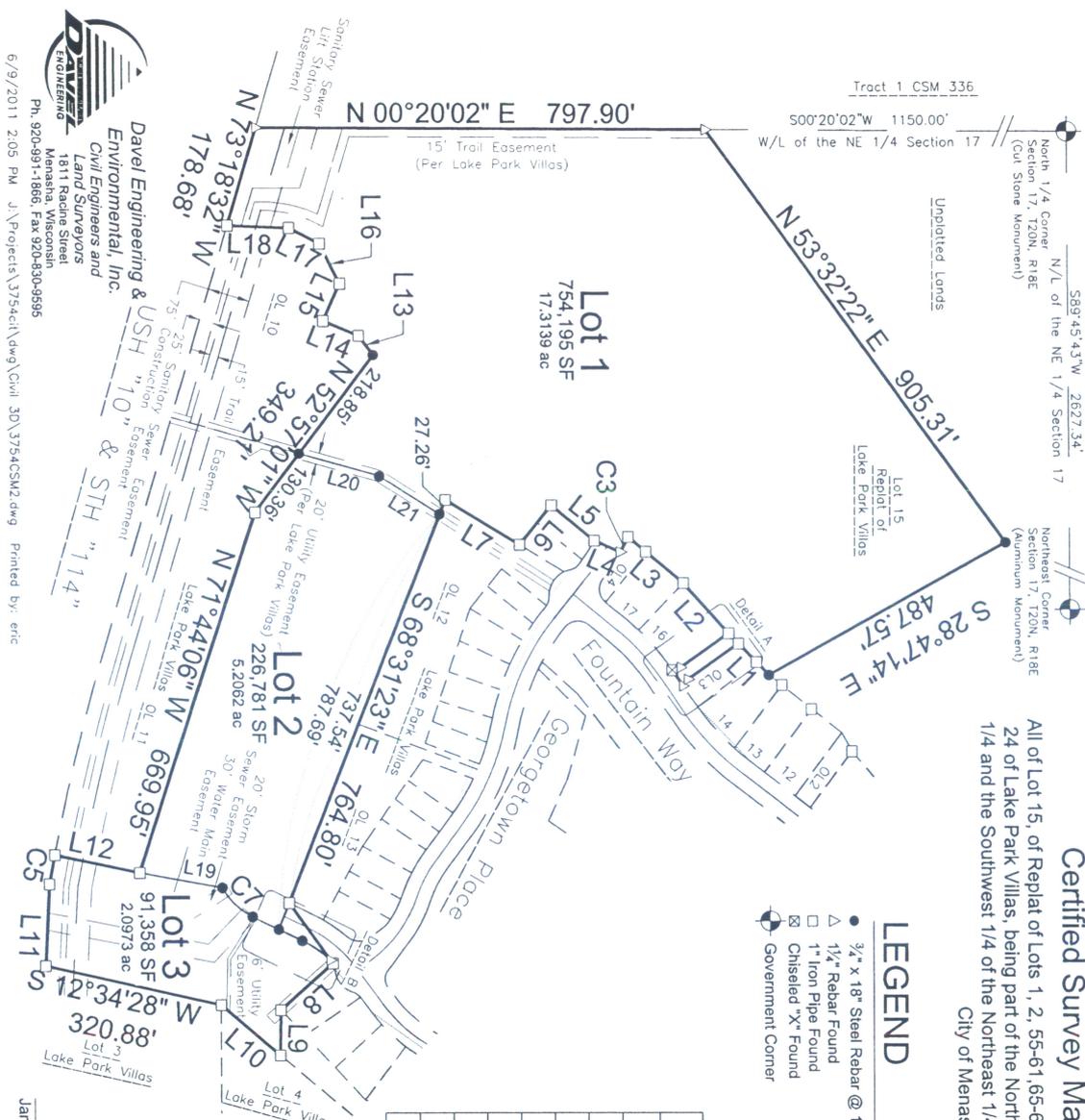
Surveyor's Certificate

I, James R. Sehloff, registered land surveyor, hereby certify: That in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the Town of Black Wolf and Winnebago County, and under the direction of Oshkosh Country Club, the property owners of said land, I have surveyed divided and mapped this Certified Survey Map; that such map correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is all of Lot 1 CSM _____ and all of Lot 3 CSM _____ being part of the Northwest 1/4 of the Northeast 1/4, part of the Northeast 1/4 of the Northeast 1/4 and part of the Southwest 1/4 of the Northeast 1/4 all located in Section 17, Township 20 North, Range 18 East, City of Menasha, Calumet County, Wisconsin, containing 1679988 SqFt (38.5672 Acres) of land described as follows:

Commencing at the Northeast 1/4 corner of Section 17; thence along the North line of the Northeast 1/4 of said Section 17, S89°45'43"W, 1158.51 feet to the point of beginning; thence along the West line of Lot 1 CSM _____, S00°14'17"E, 136.99 feet to the North right of way line of Villa Way; thence along said North line S89°47'09"W, 32.09 feet to the Northwest corner of said Villa Way; thence along the westerly line of Villa Way and the extension thereof, S00°14'17"E, 215.47 feet to a point on the North line of Outlot 1 of the Replat of Lots 1, 2, 55-61, 65-69, 73, 75, 76, 78-80, 119, 120, Outlots 4-5, Outlots 8-9 and Outlot 24 of Lake Park Villas (hereafter referred to as Replat of Lake Park Villas), thence along the North line of said Outlot 1, N88°25'05"W, 124.91 feet to a point on the said North line of Outlot 1; thence continuing along said North line of Outlot 1; S39°37'03"W, 38.64 feet to the Northerly corner of Lot 6 of said Replat of Lake Park Villas; thence along the Northwesterly line of said Lot 6 and the extension thereof; S62°31'01"W, 121.55 feet to a point on the Northwesterly line of Lot 7 of said Replat of Lake Park Villas; thence along the said Northwesterly line S22°23'46"W, 122.36 feet to the Northwest corner of Lot 8 of said Replat of Lake Park Villas; thence along the West line of said Lot 8, S21°15'10"E, 119.30 feet to the Northwest Corner of Lot 9 of said Replat of Lake Park Villas; thence along the Southwesterly line of Lot 9 and the extension thereof S52°55'13"E, 130.51 feet to the Southwest corner of Lot 64 of said Lake Park Villas; thence along the Northwesterly line of Lot 62 of said Lake Park Villas, S52°57'34"W, 89.97 feet to the Northerly Corner of Lot 10 of said Replat of Lake Park Villas; thence along the Northwesterly line of said Lot 10 and the extension thereof, S48°48'52"W, 158.18 feet to the Northerly corner of Outlot 2 of said Replat of Lake Park Villas; thence along the West line of said Outlot 2, S61°00'20"W, 37.52 feet to the Northerly corner of Lot 12 of said Replat of Lake Park Villas; thence along the Westerly line of Lot 12 and the extension thereof, S37°51'25"W, 165.74 feet to a point on the Northwesterly line of Lot 14 of said Replat of Lake Park Villas; thence continuing along said West line and the extension thereof, S45°53'19"W, 77.83 feet to the Westerly corner of Outlot 3 of said Replat of Lake Park Villas; thence S46°37'51"W, 25.23 to the North Corner of Lot 16 of said Replat of Lake Park Villas; thence along the Westerly line of said Lot 16, S48°22'44"W, 119.31 feet to the North corner of Lot 17 of the Replat of Lake Park Villas; thence along the Westerly line of said Lot 17 and the extension thereof, S39°52'31"W, 127.21 feet, to the Westerly corner of Outlot 4 of said Replat of Lake Park Villas; thence along the Southwest line of said Outlot 4, 30.05 feet along the arc of a curve to the right with a radius of 475.01 feet and a chord of 30.05 feet which bears S62°39'50"E to the Westerly right of way of Georgetown Place; thence along said Westerly right of way line, S23°59'57"W, 50.23 feet to the Northwest corner of Lot 54 of Lake Park Villas; thence along the West line of said Lot 54, S39°08'03"W, 99.52 feet to the Southwest corner of said Lot 54; thence along the South line of said Lot 54 and the extension thereof, S50°51'57"E, 90.57 feet to a point on the West line of Outlot 12 of said Lake Park Villas; thence along said West line, S30°56'30"W, 155.61 feet to the Southwest corner of said Outlot 12; thence along the South line of said Outlot 12, S68°31'23"E, 27.26 feet to the West line of Lot 3, CSM _____; thence continuing along said West line S32°18'56"W, 126.12 feet; thence continuing along said West line S15°56'13"W, 147.71 feet to the North line of Outlot 10 of said Replat of Lake Park Villas; thence along said North line, N52°57'01"W, 218.85 feet to a corner on the Northerly line of Outlot 10 of said Lake Park Villas; thence along the Westerly line of said Lot 10, S52°52'40"W, 42.99 feet; thence continuing along said Westerly line, S22°38'13"W, 67.40 feet; thence continuing along said Westerly line, N65°57'47"W, 71.94 feet; thence continuing along said Westerly line, S63°14'44"W, 78.77 feet; thence continuing along said Westerly line, S27°00'47"W, 60.11 feet; thence continuing along said Westerly line, S02°14'47"W, 109.49 feet to a point on the Northerly right of way line of U.S.H. "10" & S.T.H. "114"; thence along said Northerly right of way line, N73°18'35"W, 178.68 feet to said West line of the Northeast 1/4; thence along said West line, N00°20'02"E, 1231.05 feet to the Southerly line of Lot 4 of said CSM _____; thence along said South line, N63°01'05"E, 436.90 feet; thence continuing along said Southerly line, N20°07'22"E, 145.82 feet; thence continuing along said Southerly line, N89°45'43"E, 503.31 feet; thence continuing along said Southerly line, S29°41'49"E, 38.00 feet; thence continuing along said Southerly line, N89°45'43"E, 27.82 feet to the Southeast Corner of Said Lot 4 of CSM _____; thence along said Easterly line of said Lot 4, 138.99 feet along the arc of a curve to the right with a radius of 225.00 feet and a chord of 136.79 feet which bears N30°38'15"E; thence continuing along said Easterly line, 63.55 feet along the arc of a curve to the left with a radius of 75.00 feet and a chord of 61.67 feet which bears N24°03'35"E; thence continuing along said Easterly line, N00°12'51"W, 41.16 feet; thence continuing along said Easterly line, S89°47'09"W, 30.33 feet; thence continuing along said Easterly line, N00°14'17"W, 201.81 feet to said North line of the Northeast 1/4; thence along said North line N89°45'43"E, 420.00 feet to the point of beginning, subject to all easements, and restrictions of record.

Given under my hand this _____ day of _____, _____.

James R. Sehloff, Wisconsin Registered Land Surveyor No. S-2692



Davel Engineering & Environmental, Inc.
 Civil Engineers and Land Surveyors
 18111 Racine Street
 Menasha, Wisconsin
 Ph. 920-931-1800, Fax 920-930-3595
 6/9/2011 2:05 PM J:\Projects\3754c1\dwg\Civil_3D\3754CSM2.dwg Printed by: enc

Certified Survey Map No. _____

All of Lot 15, of Replat of Lots 1, 2, 55-61, 65-69, 73, 75, 76, 78-80, 119, 120, Outlots 4-5, Outlots 8-9 and Outlot 24 of Lake Park Villas, being part of the Northwest 1/4 of the Northeast 1/4 and Northeast 1/4 of the Northeast 1/4 and the Southwest 1/4 of the Northeast 1/4 all being part of Section 17, Township 20 North, Range 18 East, City of Menasha, Calumet County, Wisconsin.

LEGEND

- 3/4" x 18" Steel Rebar @ 1.50lbs/LF SET
- △ 1/4" Rebar Found
- 1" Iron Pipe Found
- ⊗ Chiseled "x" Found
- ⊙ Government Corner



Bearings are referenced to the N/L of the NE 1/4 Section 17, T20N, R18E. Assumed to bear S89°45'43"W, based on the Calumet County Coordinate System

CURVE TABLE

Curve	Radius	Chord Direction	Chord Length	Arc Length	Central Angle
C-1	25.00'	S 52°53'04" E	14.87'	15.09'	34°33'0"
C-2	25.00'	N 17°26'27" W	15.57'	15.83'	36°11'2"
C-3	475.00'	S 62°39'51" E	30.05'	30.05'	3°33'0"
C-4	24.00'	N 51°34'27" E	6.93'	6.95'	16°33'3"
C-5	3712.20'	N 79°19'17" W	51.89'	51.89'	0°48'3"
C-6	200.00'	N 34°36'35" E	60.26'	60.49'	17°11'9"
C-7	125.00'	N 43°17'22" E	74.53'	75.68'	34°44'3"

Survey for:
 City of Menasha
 140 Main Street
 Menasha, WI 54952

File: 3754CSM2.dwg
 Date: 06/09/2011
 Drafted By: enc
 Sheet: 1 of 4

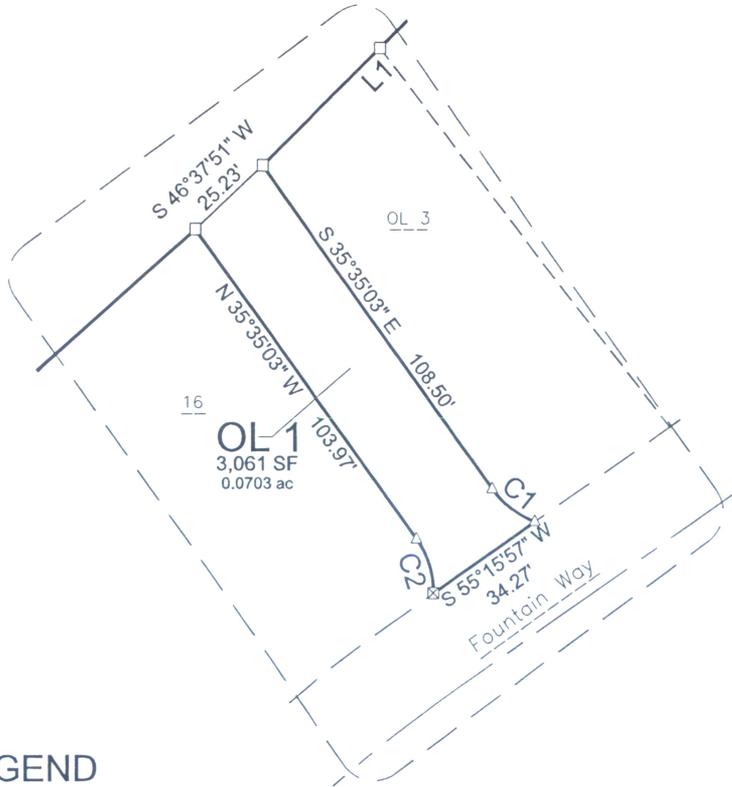
James R. Sehnoff R.L.S., 2692 _____ Date _____

Certified Survey Map No. _____



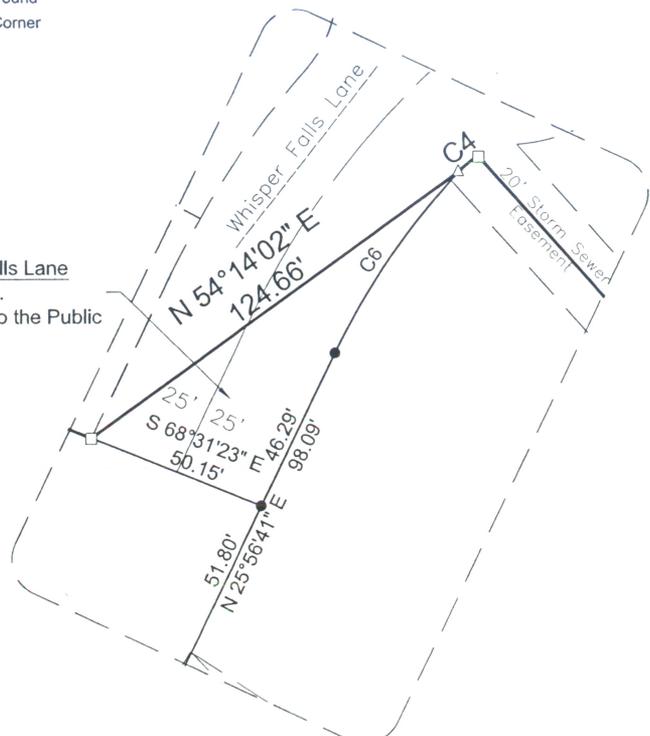
Bearings are referenced to the N/L of the NE 1/4 Section 17, T20N, R18E. Assumed to bear S89°45'43"W, based on the Calumet County Coordinate System

LINE TABLE		
Line	Bearing	Length
L1	S 45°53'19" W	77.83'
L2	S 48°22'44" W	119.31'
L3	S 39°52'36" W	127.21'
L4	S 23°59'57" W	50.23'
L5	S 39°08'03" W	99.52'
L6	S 50°51'57" E	90.57'
L7	S 30°56'30" W	155.61'
L8	S 41°42'52" E	124.11'
L9	S 88°58'16" E	80.39'
L10	S 40°18'04" W	138.44'
L11	N 87°05'30" W	144.95'
L12	N 11°45'09" E	154.87'
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L15	N 65°57'47" W	71.94'
L16	S 63°14'44" W	78.77'
L17	S 27°00'47" W	60.11'
L18	S 02°14'47" W	109.49'
L19	N 10°20'14" E	150.35'
L20	S 15°41'47" W	145.63'
L21	S 32°18'56" W	128.29'



LEGEND

- 3/4" x 18" Steel Rebar @ 1.50lbs/LF SET
- △ 1/4" Rebar Found
- 1" Iron Pipe Found
- ⊗ Chiseled "X" Found
- ⊙ Government Corner



Whisper Falls Lane
2,327 Sq.Ft.
Dedicated to the Public

James R. Sehloff RLS 2692 Date

Davel Engineering & Environmental, Inc.
Civil Engineers and Land Surveyors
1811 Racine Street
Menasha, Wisconsin
Ph. 920-991-1866, Fax 920-830-9595

Certified Survey Map No. _____

Surveyor's Certificate

I, James R. Sehloff, registered land surveyor, hereby certify: That in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the City of Menasha and Calumet County, and under the direction of City of Menasha, the property owners of said land, I have surveyed divided and mapped this Certified Survey Map; that such map correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is all of Lot 15, of Replat of Lots 1, 2, 55-61,65-69, 73, 75, 76, 78-80, 119, 120, Outlots 4-5, Outlots 8-9 and Outlot 24 of Lake Park Villas (hereafter referred to as Replat of Lake Park Villas), being part of the Northwest 1/4 of the Northeast 1/4 and Northeast 1/4 of the Northeast 1/4 and the Southwest 1/4 of the Northeast 1/4 all being part of Section 17, Township 20 North, Range 18 East, City of Menasha, Calumet County, Wisconsin containing 1,077,723 Square Feet (24.7411 Acres) of land described as follows:

Commencing at the Northeast corner of Section 17; thence along the North line of the Northeast 1/4 of said Section 17, S89°45'43"W, 2627.34 feet to the North 1/4 corner of said Section 17; thence along the West line of said Northeast 1/4, S00°20'02"W, 1150.00 feet to the point of beginning; thence along said a Southerly line of Lot 1 of said Replat of Lake Park Villas, N53°32'22"E, 905.31 feet; thence continuing along said Southerly Line, S28°47'14"E, 487.57 feet to a point on the West line of Lot 14 of said Replat of Lake Park Villas; thence along said West line and the extension thereof, S45°53'19"W, 77.83 feet to the Southwest corner of Outlot 3 of said Replat of Lake Park Villas; thence along the Southwest line of said Outlot 3, S35°35'03"E, 108.50 feet; thence continuing along said Southwest line, 15.09 feet along the arc of a curve to the left with a radius of 25.00 feet and a chord of 14.87 feet which bears S52°53'04"E to the Westerly right of way of Fountain Way; thence along said Westerly right of way line, S55°15'57"W, 34.27 feet to the East Corner of Lot 16 of said Replat of Lake Park Villas; thence along said Northeast line of said Lot 16, 15.83 feet along the arc of a curve to the left with a radius of 25.00 feet and a chord of 15.57 feet which bears N17°26'27"W; thence continuing along said Northeasterly line, N35°35'03"W, 103.97 feet to the North corner of said Lot 16; thence along the Westerly line of said lot 16, S48°22'44"W, 119.31 feet to the North corner of Lot 17 of the Replat of Lake Park Villas; thence along the West line of said Lot 17 and the extension thereof, S39°52'36"W, 127.21 feet, to the Westerly corner of Outlot 4 of said Replat of Lake Park Villas; thence along the Southwest line of said Outlot 4, 30.05 feet along the arc of a curve to the right with a radius of 475.00 feet and a chord of 30.05 feet which bears S62°39'51"E to the Westerly right of way of Georgetown Place; thence along said Westerly right of way line, S23°59'57"W, 50.23 feet to the Northwest corner of Lot 54 of Lake Park Villas; thence along the West line of said Lot 54, S39°08'03"W, 99.52 feet to the Southwest corner of said Lot 54; thence along the South line of said Lot 54 and the extension thereof, S50°51'57"E, 90.57 feet to a point on the West line of Outlot 12 of said Lake Park Villas; thence along said West line, S30°56'30"W, 155.61 feet to the Southwest corner of said Outlot 12; thence along the South line of said Outlot 12 and the extension thereof, S68°31'23"E, 764.80 feet to the Southeast corner of Outlot 13 of said Lake Park Villas; thence along the Southerly right of way line of Whisper Falls Lane, N54°14'02"E, 124.66 feet; thence continuing along said Southerly right of way line 6.95 feet along the arc of a curve to the right with a radius of 24.00 feet and a chord of 6.93 feet which bears N51°34'27"E to the West corner of Lot 38 of said Lake Park Villas; thence along the South line of said Lot 38, S41°42'52"E, 124.11 feet to the Southwest corner of Outlot 14 of said Lake Park Villas; thence along the South line of said Outlot 14, S88°58'16"E, 80.39 feet to a point on the West line of Lot 4 of said Lake Park Villas; thence along said West line, S40°18'04"W, 138.44 feet; thence continuing along the said West line, S12°34'28"W, 320.88 feet to the Northerly right of way line of U.S.H. "10" & S.T.H. "114"; thence along said Northerly right of way line, N87°05'30"W, 144.95 feet; thence continuing along said Northerly right of way line, 51.89 feet along the arc of a curve to the left with a radius of 3712.20 feet and a chord of 51.89 feet which bears N79°19'17"W to the Southeast corner of Outlot 11 of said Lake Park Villas; thence along the East line of said Outlot 11, N11°45'09"E, 154.87 feet to the Northeast Corner of said Outlot 11; thence along the North line of said Outlot 11, N71°44'06"W, 669.95 feet; thence continuing along said North line and the extension thereof, N52°57'01"W, 349.21 feet to a corner on the Northerly line of Outlot 10 of said Lake Park Villas; thence along the Westerly line of said Lot 10, S52°52'40"W, 42.99 feet; thence continuing along said Westerly line, S22°38'13"W, 67.40 feet; thence continuing along said Westerly line, N65°57'47"W, 71.94 feet; thence continuing along said Westerly line, S63°14'44"W, 78.77 feet; thence continuing along said Westerly line, S27°00'47"W, 60.11 feet; thence continuing along said Westerly line, S02°14'47"W, 109.49 feet to a point on the Northerly right of way line of U.S.H. "10" & S.T.H. "114"; thence along said Northerly right of way line, N73°18'32"W, 178.68 feet to said West line of the Northeast 1/4; thence along said West line, N00°20'02"E, 797.90 feet to the point of beginning, subject to all easements, and restrictions of record.

Given under my hand this _____ day of _____, _____.

James R. Sehloff, Wisconsin Registered Land Surveyor No. S-2692



STREET USE APPLICATION

Event: Race the Lake

Sponsored by: Midwest Sports Events

Responsible Person: Gloria West

Address: 2079 Lawrence Dr.
De Pere WI 54115

Phone: 920 338 8741

Email Address: gloria@midwestsports events.com

Street Route: (Attach Map) Bikes will ride through from 7:00 to
Description of Use 9:15 am

Street Use Date: 8-21-11

Start Time: 7:00 am

End Time: 9:15 am

Number of Units: 1500

Liability Insurance has been secured in the amount of \$ 1,000,000 with the City of Menasha named as the additional insured. This is primary insurance.

Insurance Company Valley Insurance Policy No. CP3171639
(Attached is a copy of the certificate of insurance).

Date: 8-21-11 Applicant's Signature: [Signature]

Permit Fee: Each application for a Street Use Permit shall be accompanied by a fee of Twenty-Five Dollars (\$25.00). Make checks payable to City of Menasha. See highlighted portion of the attached City of Menasha Municipal Code.

Note to events planning to use City Parks and/or greenspace: Any multi-day event or event which plans to sell beer and/or wine to the public must appear before the Parks and Recreation Board.

TO BE COMPLETED BY CITY STAFF (Revised May 2010)

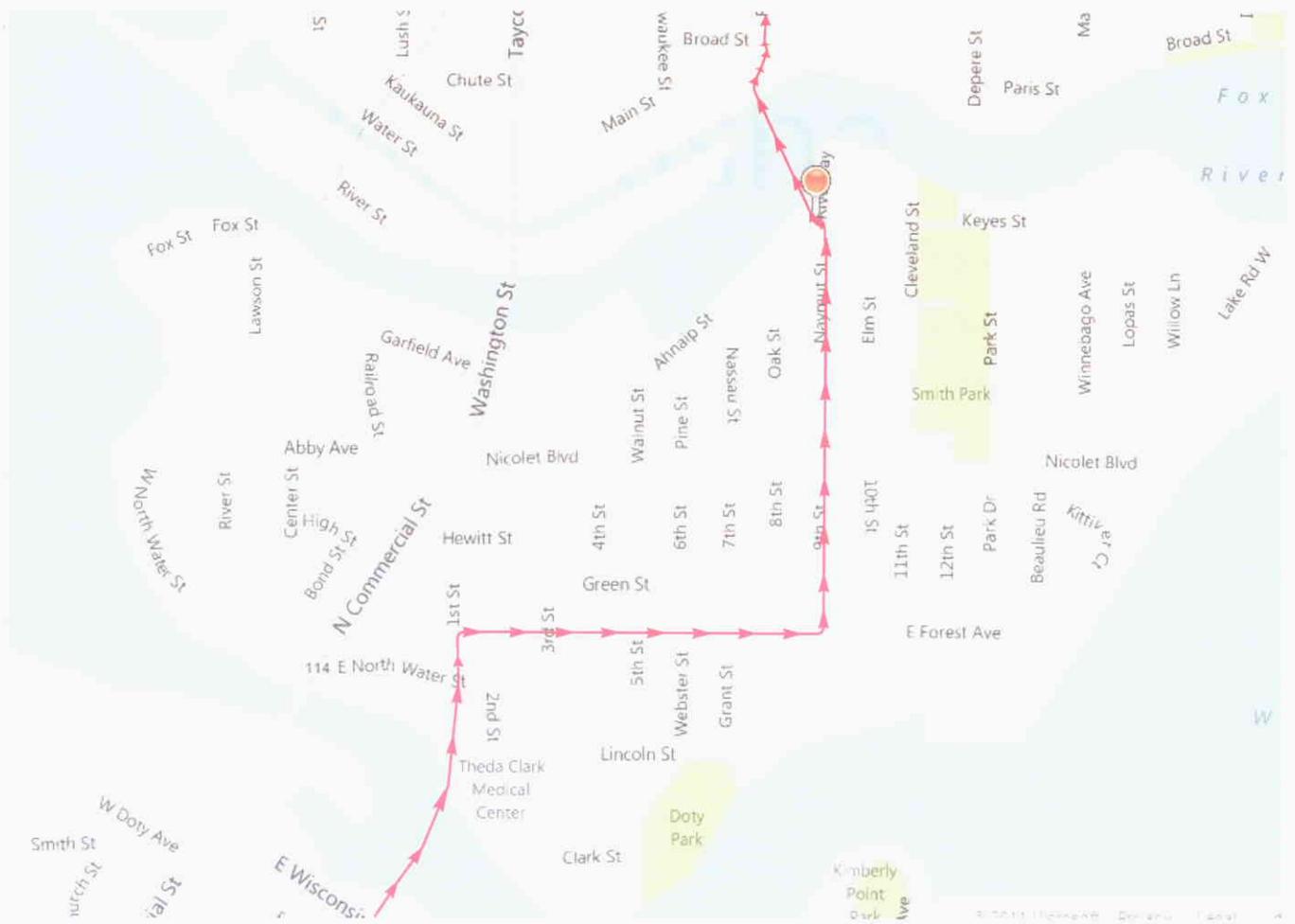
Scheduled Park & Recreation Board Review Date: _____

Not Required: _____ Approved: _____ Denied: _____

Scheduled Common Council Review Date: 7-5-11

Approved: _____ Denied: _____

APPROVAL: [Signature] Police Dept. [Signature] Fire Dept. [Signature] Public Works Dept. [Signature] City Attorney [Signature]





SECURA INSURANCE, A Mutual Company
P. O. BOX 819 APPLETON, WI 54912-0819
COMMERCIAL GENERAL LIABILITY
DECLARATION

POLICY NO. 20-CP-003171639-0/000

ACCOUNT NUMBER: 00007218793
NAMED INSURED AND MAILING ADDRESS

AGENCY AND MAILING ADDRESS 481957 04

MIDWEST SPORTS EVENTS LLC
2079 LAWRENCE DR STE D
DE PERE WI 54115

VALLEY INS ASSOC INC
PO BOX 1937
APPLETON WI 54912-1937

POLICY PERIOD: From 12/13/2010 to 12/13/2011 AT 12:01 A.M. STANDARD TIME AT YOUR MAILING ADDRESS SHOWN ABOVE.

LOC CLASSIFICATION	CODE	PREMIUM BASIS	PMS RATE	PDTS RATE
SPECIAL EVENT LIABILITY EXPOSURE BASIS IS ATTENDANCE PER DAY SPECIAL EVENT GROUP II 501 TO 1500	20028	OTHER		
SPECIAL EVENT LIABILITY EXPOSURE BASIS IS ATTENDANCE PER DAY SPECIAL EVENT GROUP II 501 TO 1500	20028	OTHER		
SPECIAL EVENT LIABILITY EXPOSURE BASIS IS ATTENDANCE PER DAY SPECIAL EVENT GROUP II 501 TO 1500	20028	OTHER		
GENERAL LIABILITY WRAP	CGT1000 0601	44444	OTHER	

ADDITIONAL INSURED(S)

PER FORM: CG2026 (07-04)

CITY OF MENASHA
40 MAIN ST
MENASHA WI 54952

PER FORM: CG2026 (07-04)

PER FORM: CG2026 (07-04)

BU

CPP 4506 9601

12-29-10 MLV 1026

Original

Page 6 of 11

ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION

CG-2026R(7-04)

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

Section II - Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for *bodily injury, property damage or personal and advertising injury* caused, in whole

or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

SCHEDULE

**Name of Additional Insured
 Person(s) or Organization(s)
 (Name and Address)**

CERTIFICATE OF PAYMENT

DATE: June 13, 2011

PAYMENT REQUEST: 1 (One)

CONTRACTOR: Sam Sommers Concrete

ADDRESS: W5682 County Road S, Black Creek, WI 54106

CONTRACT UNIT NUMBER: 2011-02

PROJECT DESCRIPTION: New Street Construction
Concrete Curb & Gutter/Concrete Walk
Ribblesdale Subdivision, North 1/2 of Woodland hills Subdivision

ORIGINAL CONTRACT AMOUNT	\$ 138,030.24
CHANGE ORDER NO. _____ AMOUNT: \$ _____	
PREVIOUS CHANGE ORDER(S): \$ _____	
TOTAL CONTRACT AMOUNT (INCLUDING CHANGE ORDERS)	\$ 138,030.24
TOTAL EARNED TO DATE (SUMMARY ATTACHED)	\$ 79,562.64
LESS RETAINAGE (2.5% of contract amount)	\$ 3,450.76
AMOUNT DUE	\$ 76,111.88
PREVIOUS PAYMENTS	\$ 0
AMOUNT DUE THIS PAYMENT	\$ 76,111.88

ESTIMATE PERIOD: May 25, 2011 to June 13, 2011

I certify that all bills for labor, equipment, materials, and services are paid for which previous certificates for payment were issued.

DATE: _____ BY: _____

Lien Waivers from all subcontractors and suppliers shall accompany each Request for Payment. Affidavit of Compliance with Prevailing Wage Rates shall accompany Request for Final Payment.

RECOMMENDED FOR PAYMENT: Mark Radtke DATE: 6-17-11
DIRECTOR OF PUBLIC WORKS: _____

APPROVED FOR PAYMENT: COUNCIL APPROVAL DATE: _____

FINANCE DEPARTMENT

<u>ACCOUNT NUMBER</u>	<u>BUDGET</u>	<u>CHARGE TO ACCOUNT</u>
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____

CITY OF MENASHA
CONTRACT UNIT NO. 2011-02 - Sam Sommers Concrete
New Street Construction Concrete Curb & Gutter/Concrete Walk

DATE: June 13, 2011
 Payment No. One

ITEM	QUANTITY	DESCRIPTION	BASE BID		YTD	
			Unit Price	TOTAL	QUANTITY	TOTAL
1	9,414	30" Concrete Curb & Gutter/L.F.	\$ 7.26	\$ 68,345.64	9,414.00	\$ 68,345.64
2	165	Remove Existing Concrete Curb & Gutter at Roundabout Island - Replace 4" Sloped Concrete Curb & Gutter (36" Wide)/L.F.	\$ 15.00	\$ 2,475.00	165.00	\$ 2,475.00
3	235	Unclassified Excavation/C.Y.	\$ 8.00	\$ 1,880.00		\$ -
4	252	Picement of Salvaged Pulverized Material for Sidewalk Construction	\$ 3.00	\$ 756.00		\$ -
5	25	Sawcut, Full Depth/L.F.	\$ 5.00	\$ 125.00		\$ -
6	8,110	4" Concrete Sidewalk/S.F.	\$ 2.85	\$ 23,113.50		\$ -
7	1,897	6" Concrete Sidewalk/S.F.	\$ 3.50	\$ 6,639.50		\$ -
8	174	4" Concrete Handicap Ramp (Detectable Warning Field Plates to be Supplied by Others)/S.F.	\$ 3.30	\$ 574.20		\$ -
9	22	Utility Adjustment/each	\$ 100.00	\$ 2,200.00	20.00	\$ 2,000.00
10	13	Water Valve Adjustment/each	\$ 50.00	\$ 650.00	1.00	\$ 50.00
11	4,560	No. 4 Epoxy Coated Rebar/L.F.	\$ 0.50	\$ 2,280.00	4,560.00	\$ 2,280.00
12	10,502	Terrace Restoration/S.Y.	\$ 2.20	\$ 23,104.40		\$ -
13	410	Colored Stamped Concrete Pavement Traffic Splitter Island/S.F.	\$ 8.20	\$ 3,362.00	410.00	\$ 3,362.00
14	1	Cleaning and Grubbing from STA 6+00 to STA 7+86/L.S.	\$ 925.00	\$ 925.00		\$ -
15	1	Traffic Control/L.S.	\$ 500.00	\$ 500.00	1.00	\$ 500.00
16	1	Construction Mobile/Demobile; Project Coordination; all incidental utility and misc. roadway work; and all other project work area restoration and clean-up to an equal and/or better preconstruction condition as required and related to the overall project./L.S.	\$ 1,100.00	\$ 1,100.00	0.50	\$ 550.00
TOTAL CONTRACT BID (ITEMS 1-16)			\$	\$ 138,030.24		\$ 79,562.64



Memorandum

TO: Common Council
FROM: Mayor Merkes
SUBJECT: Budget Changes
DATE: 30 June 2011

At the last Personnel Committee meeting I outlined a proposal with which our 2011 budget would be balanced. The proposal relied on a combination of changes including; furlough days and WRS contributions, unfilled positions, and budget reduction. Alderman Klein requested a further breakout.

IT	\$ 7,000
Community Development	\$10,000
Health	\$ 3,000
Police	\$12,000
Fire (Menasha Buildings)	\$30,000
Public Works	\$11,000
Parks	<u>\$ 8,000</u>
	\$81,000

City management has been carefully monitoring our budget and planning for solutions to fill the budget gap throughout the year. Working with department heads we identified areas which we believed could be modified without compromising service to citizens that would affect quality of life. It will be the department head's responsibility to ensure that their budget balances at year end.



Memorandum

TO: Personnel Committee
FROM: Mayor Merkes
SUBJECT: WRS Contributions
DATE: 16 June 2011

JIM

The 2011 city budget anticipated city employees making a contribution to their retirement plans, or other concessions amounting to approximately \$250,000. Over the past six months, union leadership and management have agreed to a plan which will fill part of that gap by scheduling six furlough days for union employees who are part of the public works, parks, engineering, & custodial unions (1035 & 1035B). Non-union employees would contribute towards the gap by making a contribution towards their retirement plan as proposed in the governor's budget repair bill which prohibited the city from contributing the employee portion of WRS payments for non-union employees. Earlier this week the Supreme Court ruled that the bill should be published and was enacted legally.

City management has been carefully monitoring our budget and planning for solutions to fill the budget gap throughout the year. Part of the solution to fill the gap was the Act 10 requirement for employees to contribute towards their pensions. Given that Act 10 was held in the courts, at the last personnel committee meeting we asked the committee to change the personnel policy to provide for a contribution to WRS by non-union employees. The committee asked for specifics as to how the entire gap would be filled before making a recommendation.

The budget gap is expected to be filled using:
\$108,000 furlough days and WRS contributions
\$ 61,000 unfilled positions
\$ 81,000 budget reductions
\$250,000

We would ask that you recommend a change in the personnel policy handbook to reflect these contributions to balance our 2011 budget.

CITY OF MENASHA DISBURSEMENTS

Accounts Payable for 6/17/11-6/30/11 Checks # 29959-30145	\$ 791,697.59
Payroll Checks for 6/23/11-6/30/11	<u>176,140.52</u>
Total	\$ 967,838.11

Medical Expense Reimbursement Trust-Retirement Pay Out

Menasha Employees Credit Union-Employee Deductions

Wisconsin Council 40 Per Capita Tax-Union Dues

Wisconsin Support Collections-Child/Spousal Support

United Way-Employee Donations

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

AP Check Register
Check Date: 6/17/2011

<i>Vendor Name</i>	<i>Check Number</i>	<i>Check Date</i>	<i>Invoice Number</i>	<i>Account Number</i>	<i>Amount</i>	<i>Description</i>
INDEPENDENT INSPECTIONS LTD	29959	6/17/2011	304951	100-0301-523.21-06	5,922.20	May Permits Liquor Lic Inspections
			Total for check: 29959		<u>5,922.20</u>	
					<u>5,922.20</u>	

AP Check Register

Check Date: 6/21/2011

<i>Vendor Name</i>	<i>Check Number</i>	<i>Check Date</i>	<i>Invoice Number</i>	<i>Account Number</i>	<i>Amount</i>	<i>Description</i>
AMAZON	29961	6/21/2011	130470331591	100-0601-551.30-14	(1.00)	CREDIT
		6/21/2011	130470850189	100-0601-551.30-14	66.46	LIBRARY MATERIALS
		6/21/2011	130473381638	100-0601-551.30-14	(1.00)	CREDIT
		6/21/2011	130474072714	100-0601-551.30-14	82.97	LIBRARY MATERIALS
		6/21/2011	130476008646	100-0601-551.30-14	(1.00)	CREDIT
		6/21/2011	130476573752	100-0601-551.30-14	(1.00)	CREDIT
		6/21/2011	130476825703	100-0601-551.30-14	16.99	LIBRARY MATERIALS
		6/21/2011	130477555913	100-0601-551.30-14	67.95	LIBRARY MATERIALS
		6/21/2011	130478917859	100-0601-551.30-14	(3.00)	CREDIT
		6/21/2011	147580075630	100-0601-551.30-14	62.26	LIBRARY MATERIALS
		6/21/2011	147584827549	100-0601-551.30-14	13.49	LIBRARY MATERIALS
		6/21/2011	150821236641	100-0601-551.30-14	35.98	LIBRARY MATERIALS
		6/21/2011	150822633938	100-0601-551.30-14	483.74	LIBRARY MATERIALS
		6/21/2011	150827561823	100-0601-551.30-14	10.44	LIBRARY MATERIALS
		6/21/2011	150828277589	100-0601-551.30-14	34.97	LIBRARY MATERIALS
		6/21/2011	210605332555	100-0601-551.30-14	30.98	LIBRARY MATERIALS
		6/21/2011	210606139462	100-0601-551.30-14	(2.00)	CREDIT
		6/21/2011	210609574468	100-0601-551.30-14	(1.00)	CREDIT
		6/21/2011	264321409581	100-0601-551.30-14	(1.89)	CREDIT
		6/21/2011	264322428581	100-0601-551.30-14	19.99	LIBRARY MATERIALS
	6/21/2011	264328938081	100-0601-551.30-14	35.86	LIBRARY MATERIALS	
	6/21/2011	264329338330	100-0601-551.30-14	24.87	LIBRARY MATERIALS	
			Total for check: 29961		975.06	
AUDIOGO	29962	6/21/2011	420283	100-0601-551.30-14	613.95	LIBRARY MATERIALS
			Total for check: 29962		613.95	
BAIR, SALLY	29963	6/21/2011	283	100-0601-551.30-14	7.95	LIBRARY MATERIALS
			Total for check: 29963		7.95	
BAKER & TAYLOR INC	29966	6/21/2011	2025825661	100-0601-551.30-14	41.92	LIBRARY MATERIALS
		6/21/2011	2025830232	100-0601-551.30-14	770.25	LIBRARY MATERIALS
		6/21/2011	2025835138	100-0601-551.30-14	325.03	LIBRARY MATERIALS

AP Check Register
Check Date: 6/21/2011

<i>Vendor Name</i>	<i>Check Number</i>	<i>Check Date</i>	<i>Invoice Number</i>	<i>Account Number</i>	<i>Amount</i>	<i>Description</i>
BAKER & TAYLOR INC...	29966...	6/21/2011	2025839301	100-0601-551.30-14	514.75	LIBRARY MATERIALS
		6/21/2011	2025841225	100-0601-551.30-14	45.87	LIBRARY MATERIALS
		6/21/2011	2025843526	100-0601-551.30-14	400.71	LIBRARY MATERIALS
		6/21/2011	2025845164	100-0601-551.30-14	23.88	LIBRARY MATERIALS
		6/21/2011	2025855285	100-0601-551.30-14	93.34	LIBRARY MATERIALS
		6/21/2011	2025859251	100-0601-551.30-14	58.85	LIBRARY MATERIALS
		6/21/2011	2025861463	100-0601-551.30-14	755.48	LIBRARY MATERIALS
		6/21/2011	2025865533	100-0601-551.30-14	2.51	LIBRARY MATERIALS
		6/21/2011	2025870201	100-0601-551.30-14	337.97	LIBRARY MATERIALS
		6/21/2011	2025872234	100-0601-551.30-14	130.92	LIBRARY MATERIALS
		6/21/2011	2025874998	100-0601-551.30-14	152.91	LIBRARY MATERIALS
		6/21/2011	2025879421	100-0601-551.30-14	239.78	LIBRARY MATERIALS
		6/21/2011	2025881153	100-0601-551.30-14	36.96	LIBRARY MATERIALS
		6/21/2011	2025887180	100-0601-551.30-14	243.24	LIBRARY MATERIALS
		6/21/2011	2025887517	100-0601-551.30-14	19.00	LIBRARY MATERIALS
		6/21/2011	2025889088	100-0601-551.30-14	57.60	LIBRARY MATERIALS
		6/21/2011	2025897251	100-0601-551.30-14	309.82	LIBRARY MATERIALS
		6/21/2011	2025902717	100-0601-551.30-14	2.51	LIBRARY MATERIALS
		6/21/2011	2025909165	100-0601-551.30-14	131.95	LIBRARY MATERIALS
		6/21/2011	5011377189	100-0601-551.30-14	79.99	LIBRARY MATERIALS
		6/21/2011	5011401976	100-0601-551.30-14	439.64	LIBRARY MATERIALS
		6/21/2011	5011425674	100-0601-551.30-14	24.12	LIBRARY MATERIALS
		6/21/2011	5011447881	100-0601-551.30-14	13.70	LIBRARY MATERIALS
		6/21/2011	I52995960	100-0601-551.30-14	95.09	LIBRARY MATERIALS
		6/21/2011	I53345570	100-0601-551.30-14	17.99	LIBRARY MATERIALS
		6/21/2011	I53345571	100-0601-551.30-14	93.38	LIBRARY MATERIALS
		6/21/2011	I53746300	100-0601-551.30-14	28.35	LIBRARY MATERIALS
		6/21/2011	I53746301	100-0601-551.30-14	40.96	LIBRARY MATERIALS
		6/21/2011	I54056400	100-0601-551.30-14	34.51	LIBRARY MATERIALS
		6/21/2011	I54056401	100-0601-551.30-14	43.18	LIBRARY MATERIALS
		6/21/2011	I54540940	100-0601-551.30-14	17.99	LIBRARY MATERIALS
		6/21/2011	I55112760	100-0601-551.30-14	21.56	LIBRARY MATERIALS
		6/21/2011	I55112761	100-0601-551.30-14	15.58	LIBRARY MATERIALS

AP Check Register
Check Date: 6/21/2011

Date: 6/30/2011

<i>Vendor Name</i>	<i>Check Number</i>	<i>Check Date</i>	<i>Invoice Number</i>	<i>Account Number</i>	<i>Amount</i>	<i>Description</i>
BAKER & TAYLOR INC...	29966...	6/21/2011	V53353980	100-0601-551.30-14	43.18	LIBRARY MATERIALS
			Total for check: 29966		5,704.47	
BECKY BAUER	29967	6/21/2011	06212011	100-0601-551.30-14	21.50	LIBRARY MATERIALS
			Total for check: 29967		21.50	
BOOK FARM INC	29968	6/21/2011	0023932	100-0601-551.30-16	83.99	PROMOTIONAL SUPPLIES
			Total for check: 29968		83.99	
BRAZEE ACE HARDWARE	29969	6/21/2011	013808	100-0601-551.30-13	4.99	HOUSEKEEPING SUPPLIES
			Total for check: 29969		4.99	
BRILLIANCE AUDIO INC	29970	6/21/2011	IN0604575	100-0601-551.30-14	236.93	LIBRARY MATERIALS
			Total for check: 29970		236.93	
CDW GOVERNMENT INC	29971	6/21/2011	XKJ9576	100-0601-551.30-10	783.72	OFFICE SUPPLIES
		6/21/2011	XMR2068	100-0601-551.30-10	70.61	OFFICE SUPPLIES
			Total for check: 29971		854.33	
CENTER POINT LARGE PRINT	29972	6/21/2011	929239	100-0601-551.30-14	471.54	LIBRARY MATERIALS
		6/21/2011	934040	100-0601-551.30-14	107.85	LIBRARY MATERIALS
			Total for check: 29972		579.39	
EBSCO	29973	6/21/2011	EP5656	100-0601-551.30-14	9,744.25	LIBRARY MATERIALS
			Total for check: 29973		9,744.25	
ENERGY CONTROL & DESIGN INC	29974	6/21/2011	0062930-IN	100-0601-551.24-03	945.00	BLDG REPAIR & MAINTENANCE
			Total for check: 29974		945.00	

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FINDAWAY WORLD LLC	29975	6/21/2011	51699	100-0601-551.30-14	196.77	LIBRARY MATERIALS
			Total for check: 29975		196.77	
FOX RIVER NEWS DISTRIBUTORS	29976	6/21/2011	06212011	100-0601-551.30-14	162.50	LIBRARY MATERIALS
			Total for check: 29976		162.50	
GALE	29977	6/21/2011	17174120	100-0601-551.30-14	27.99	LIBRARY MATERIALS
		6/21/2011	17178073	100-0601-551.30-14	500.58	LIBRARY MATERIALS
		6/21/2011	17181165	100-0601-551.30-14	127.15	LIBRARY MATERIALS
		6/21/2011	17184740	100-0601-551.30-14	27.99	LIBRARY MATERIALS
		6/21/2011	17185290	100-0601-551.30-14	28.79	LIBRARY MATERIALS
		6/21/2011	17188056	100-0601-551.30-14	26.39	LIBRARY MATERIALS
		6/21/2011	17191275	100-0601-551.30-14	41.52	LIBRARY MATERIALS
		6/21/2011	17193271	100-0601-551.30-14	38.93	LIBRARY MATERIALS
		6/21/2011	17196667	100-0601-551.30-14	142.35	LIBRARY MATERIALS
		6/21/2011	17198145	100-0601-551.30-14	104.76	LIBRARY MATERIALS
		6/21/2011	17198362	100-0601-551.30-14	25.56	LIBRARY MATERIALS
		6/21/2011	17201826	100-0601-551.30-14	83.17	LIBRARY MATERIALS
			Total for check: 29977		1,175.18	
HIGHSMITH	29978	6/21/2011	4206208	100-0601-551.30-18	783.93	DEPT SUPPLIES
		6/21/2011	4211198	100-0601-551.30-18	152.00	DEPT SUPPLIES
			Total for check: 29978		935.93	
KITZ & PFEIL INC	29979	6/21/2011	0426140101	100-0601-551.24-03	137.11	BLDG REPAIR & MAINTENANCE
		6/21/2011	0426140123	100-0601-551.24-03	13.01	BLDG REPAIR & MAINTENANCE
		6/21/2011	0505090031	100-0601-551.24-03	13.18	BLDG REPAIR & MAINTENANCE
		6/21/2011	0520140062	100-0601-551.24-03	13.48	BLDG REPAIR & MAINTENANCE
		6/21/2011	0520140175	100-0601-551.30-13	12.55	HOUSEKEEPING SUPPLIES
			Total for check: 29979		189.33	

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MIDWEST TAPE	29980	6/21/2011	2530116	100-0601-551.30-14	140.63	LIBRARY MATERIALS
		6/21/2011	2535190	100-0601-551.30-14	80.80	LIBRARY MATERIALS
	Total for check: 29980				221.43	
NAVIANT	29981	6/21/2011	0110337-IN	100-0601-551.24-04	778.00	MAINTENANCE CONTRACT
		Total for check: 29981				778.00
OFFICE DEPOT CREDIT PLAN	29982	6/21/2011	11042700200610	100-0601-551.30-18	75.98	DEPT SUPPLIES
		6/21/2011	11042700200613	100-0601-551.30-18	(75.98)	CREDIT
		6/21/2011	11042700200614	100-0601-551.30-18	65.98	DEPT SUPPLIES
	Total for check: 29982				65.98	
OSHKOSH PUBLIC LIBRARY	29983	6/21/2011	796	100-0601-551.30-18	265.00	DEPT SUPPLIES
		Total for check: 29983				265.00
RANDOM HOUSE INC	29984	6/21/2011	1081423222	100-0601-551.30-14	24.00	LIBRARY MATERIALS
		6/21/2011	1081470971	100-0601-551.30-14	33.75	LIBRARY MATERIALS
		6/21/2011	1081509258	100-0601-551.30-14	71.25	LIBRARY MATERIALS
		6/21/2011	1081575329	100-0601-551.30-14	26.25	LIBRARY MATERIALS
		6/21/2011	1081594136	100-0601-551.30-14	6.00	LIBRARY MATERIALS
		6/21/2011	1181423222	100-0601-551.30-14	26.25	LIBRARY MATERIALS
		Total for check: 29984				187.50
KRISTIN SEEFELDT	29985	6/21/2011	06162011	100-0601-551.33-01	23.36	MILEAGE REIMBURSEMENT
		Total for check: 29985				23.36
SHOWCASES	29986	6/21/2011	259896	100-0601-551.30-18	1,183.79	DEPT SUPPLIES
		6/21/2011	259897	100-0601-551.30-18	61.99	DEPT SUPPLIES
	Total for check: 29986				1,245.78	

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STAPLES ADVANTAGE	29987	6/21/2011	8018700298	100-0601-551.30-10	266.62	OFFICE SUPPLIES
			Total for check: 29987		266.62	
UNIQUE BOOKS INC	29988	6/21/2011	355320	100-0601-551.30-14	237.27	LIBRARY MATERIALS
		6/21/2011	355321	100-0601-551.30-14	374.33	LIBRARY MATERIALS
		6/21/2011	355322	100-0601-551.30-14	194.79	LIBRARY MATERIALS
		6/21/2011	355323	100-0601-551.30-14	99.36	LIBRARY MATERIALS
		6/21/2011	355324	100-0601-551.30-14	234.35	LIBRARY MATERIALS
			Total for check: 29988		1,140.10	
UNIQUE MANAGEMENT SERVICES INC	29989	6/21/2011	210772	100-0000-441.19-00	322.20	COLLECTION AGENCY FEE
			Total for check: 29989		322.20	
WERNER ELECTRIC SUPPLY CO	29990	6/21/2011	S3287765.001	100-0601-551.30-13	107.88	HOUSEKEEPING SUPPLIES
			Total for check: 29990		107.88	
WINNEFOX LIBRARY SYSTEM	29991	6/21/2011	4099	100-0601-551.30-14	50.00	LIBRARY MATERIALS
			Total for check: 29991		50.00	
					27,105.37	

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A-1 ELEVATOR SALES & SERVICE	29992	6/23/2011	1948	100-1001-514.82-01	6,214.00	REPAIR CABLES
			Total for check: 29992		6,214.00	
ACCURATE	29993	6/23/2011	1107912	731-1022-541.30-18	49.00	Washer/Nut/Grommet
			Total for check: 29993		49.00	
ADAMSON INDUSTRIES CORP	29994	6/23/2011	102813	100-0801-521.29-05	341.43	Switch/Flasher/Timer Outlet Box
			Total for check: 29994		341.43	
AIRGAS NORTH CENTRAL	29995	6/23/2011	105259427	731-1022-541.21-06	127.18	Acetylene
		6/23/2011	105279920	731-1022-541.30-18	70.49	Acetylene/Argon/Oxygen
			Total for check: 29995		197.67	
ALL-SPORT TROPHY	29996	6/23/2011	44405	100-0702-552.30-18	54.00	Nametags
			Total for check: 29996		54.00	
AMERICAN RED CROSS	29997	6/23/2011	007189	100-0702-552.34-02	50.00	Training
		6/23/2011	7342	100-0000-123.00-00	40.00	Manikin Rental
		6/23/2011	7515	100-0000-123.00-00	40.00	Manikin Rental
			Total for check: 29997		130.00	
APPLETON AWNING SHOP	29998	6/23/2011	24049	100-0704-552.24-04	670.00	Repair umbrellas
			Total for check: 29998		670.00	
APPLETON SIGN COMPANY	29999	6/23/2011	3868	100-0801-521.29-05	499.00	Vinyl Graphics for Squad 24
			Total for check: 29999		499.00	
ASSOCIATED APPRAISAL CONSULTANTS	30000	6/23/2011	11194	100-0402-513.21-09	4,841.67	PROFESSIONAL SERVICES MAY 2011
				100-0402-513.30-11	422.60	POSTAGE MAY 2011

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ASSOCIATED APPRAISAL CONSULTANTS...	30000...	6/23/2011	11195	100-0402-513.21-04	59.76	INTERNET POSTING
			Total for check: 30000		5,324.03	
AT&T	30001	6/23/2011	920R09453006	100-1001-514.22-01	113.90	
				601-1020-543.22-01	292.50	
			Total for check: 30001		406.40	
BAYCOM INC	30002	6/23/2011	59634	100-0801-521.29-05	222.00	Screen Protector Film
		6/23/2011	59639	100-0801-521.29-05	737.00	Console Armrest
		6/23/2011	59900	100-0801-521.29-05	10.73	Mic Rep Kit
			Total for check: 30002		969.73	
BECK ELECTRIC INC	30003	6/23/2011	G187	100-1012-541.24-04	413.57	Water Street Knock Down
		6/23/2011	H47	100-1012-541.24-04	469.39	Racine Street Street light knock down
		6/23/2011	H60	100-1012-541.30-18	547.14	Maintenance street lightsdecorative
			Total for check: 30003		1,430.10	
BERGSTROM	30004	6/23/2011	111746	731-1022-541.38-03	57.02	Stock
		6/23/2011	111800	731-1022-541.38-03	36.91	Arm
			Total for check: 30004		93.93	
BRICK & SUPPLY COMPANY	30005	6/23/2011	12091253-00	100-0704-552.24-04	62.98	Epoxy
		6/23/2011	12091309-00	100-0704-552.24-04	219.99	Level
			Total for check: 30005		282.97	
BUBRICK'S	30006	6/23/2011	464319	100-0801-521.30-10	201.66	Paper/Envelopes/Marker
			Total for check: 30006		201.66	

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CALNIN & GOSS INC	30007	6/23/2011	13571	100-1006-541.30-18	80.00	Topsoil
			Total for check: 30007		80.00	
CALUMET COUNTY CLERK OF COURTS	30008	6/23/2011	06202011	100-0000-201.03-00	300.00	Bond Report #11-1757
			Total for check: 30008		300.00	
CASPERS TRUCK EQUIPMENT INC	30009	6/23/2011	52554	731-1022-541.38-03	17.99	Filter Element
			Total for check: 30009		17.99	
COCA-COLA REFRESHMENTS	30010	6/23/2011	3578039310	100-0704-552.30-17	344.96	Soda
		6/23/2011	3598128522	100-0704-552.30-17	405.46	Concessions
			Total for check: 30010		750.42	
COMDATA	30011	6/23/2011	M11527623	100-0702-552.34-03	31.63	Staff Training/Food
			Total for check: 30011		31.63	
CRI RECYCLING SERVICE INC	30012	6/23/2011	27430	266-1027-543.21-06	153.00	Drum of Granular
			Total for check: 30012		153.00	
CULLIGAN WATERCARE SERVICES	30013	6/23/2011		100-1001-514.20-01	17.85	Rental
				731-1022-541.30-13	5.95	Rental
			Total for check: 30013		23.80	
DIGICORPORATION	30014	6/23/2011	113515	100-0405-513.29-01	151.74	Business Cards/Klein Sevenich/Krueger
				100-0000-134.00-00	(19.74)	Business Cards/Klein Sevenich/Krueger
		6/23/2011	113551	100-0202-512.29-01	183.40	Letterhead/Envelopes
				100-0000-134.00-00	(82.40)	Letterhead/Envelopes

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DIGICORPORATION...	30014...	6/23/2011	113556	100-0704-552.29-01	30.00	Duck Drop Posters
			Total for check: 30014		263.00	
EMILY DACHELET	30015	6/23/2011	06092011	100-0702-552.30-18	56.42	Reimbursement/Supplies
			Total for check: 30015		56.42	
RONALD FEDENKO	30016	6/23/2011	PAINTING	100-0501-522.24-03	700.00	Painting Fire Station 36
			Total for check: 30016		700.00	
FIRST SUPPLY LLC	30017	6/23/2011	8858066-00	100-0704-552.24-04	40.44	Washer/Nut/Rod
			Total for check: 30017		40.44	
FONDY AUTO ELECTRIC	30018	6/23/2011	A76752	731-1022-541.38-03	10.00	Capacitor
			Total for check: 30018		10.00	
FOX VALLEY TECHNICAL COLLEGE	30019	6/23/2011	TPB0000111797	100-0801-521.34-02	285.00	Course
			Total for check: 30019		285.00	
FOX VALLEY TRUCK	30020	6/23/2011	493524	731-1022-541.38-03	35.81	Handle
			Total for check: 30020		35.81	
GRAINGER INC	30021	6/23/2011	9547257155	100-0704-552.30-15	52.65	Two Spoke Wheel
		6/23/2011	9547257163	100-0703-553.30-18	63.67	Seal
			Total for check: 30021		116.32	
HAWKINS INC	30022	6/23/2011	3226715	100-0704-552.30-18	314.16	Sodium Bicarbonate
			Total for check: 30022		314.16	
HUNTON & WILLIAMS LLP	30023	6/23/2011	102013227	267-0102-581.21-01	60,359.75	Defense of Litigation

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HUNTON & WILLIAMS LLP...	30023...	6/23/2011	102013228	267-0102-581.21-01	19,721.63	Steam Utility Plant
			Total for check: 30023		80,081.38	
JX ENTERPRISES INC	30024	6/23/2011	G-211460004	731-1022-541.38-03	119.98	Mud Flap
			Total for check: 30024		119.98	
LAKE PARK VILLAS HOMEOWNERS ASSN	30025	6/23/2011		100-0703-553.21-06	1,517.23	Lake & Pond Solutions
				100-0703-553.20-06	756.30	Bob & Daves Lawn
				100-1012-541.22-03	33.65	Menasha Utilities April
				100-0703-553.22-03	112.53	Menasha Utilities April
				625-1010-541.22-03	206.51	Menasha Utilities April
			Total for check: 30025		2,626.22	
LEVENHAGEN CORPORATION	30026	6/23/2011	042595A-IN	100-0000-131.00-00	28,455.67	Fuel
		6/23/2011	75048	207-0707-552.38-01	3,830.28	Fuel
		6/23/2011	75068	207-0707-552.38-01	3,017.48	Fuel
		6/23/2011	75183	207-0707-552.38-01	3,320.96	Fuel
			Total for check: 30026		38,624.39	
MARSHALL & ILSLEY TRUST COMPANY NA	30027	6/23/2011	4015614	100-0202-512.21-06	260.00	Monthly Flex Benefit Fee
			Total for check: 30027		260.00	
MATTHEWS TIRE & SERVICE CENTER	30028	6/23/2011	38507	731-1022-541.38-02	111.34	Replace turf tire Foam fill
		6/23/2011	38508	731-1022-541.38-02	61.81	Flat repair
		6/23/2011	38509	731-1022-541.38-02	301.41	Replace and spin balance
			Total for check: 30028		474.56	
MENASHA EMPLOYEES CREDIT UNION	30029	6/23/2011	20110623	100-0000-202.05-00	2,078.00	PAYROLL SUMMARY
			Total for check: 30029		2,078.00	

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MENASHA HEALTH DEPARTMENT	30030	6/23/2011	06212011	100-0902-524.30-18	7.50	Department Supplies
				100-0903-531.33-01	45.82	Mileage
				Total for check: 30030		53.32
MENASHA PARK & RECREATION	30031	6/23/2011		100-0702-552.30-18	57.86	Program Supplies
				Total for check: 30031		57.86
MENASHA PUBLIC WORKS FACILITY	30032	6/23/2011	06162011	100-0703-553.30-18	2.51	Petty Cash
				731-1022-541.30-18	3.84	Petty Cash
				100-0706-561.30-18	11.97	Petty Cash
				100-0704-552.24-03	15.00	Petty Cash
				100-1006-541.30-11	44.00	Petty Cash
				Total for check: 30032		77.32
MENASHA TREASURER	30033	6/23/2011	06212011	100-0201-512.30-10	20.51	Petty Cash
				100-0202-512.30-10	10.10	Petty Cash
				100-0202-512.30-11	0.95	Petty Cash
				100-0304-562.30-11	0.34	Petty Cash
				100-0702-552.30-11	0.20	Petty Cash
				100-0903-531.30-13	8.39	Petty Cash
				100-1001-514.24-03	3.66	Petty Cash
				100-1001-514.30-13	8.00	Petty Cash
				100-1002-541.30-11	0.78	Petty Cash
				601-1020-543.30-11	7.95	Petty Cash
				731-1022-541.33-02	25.00	Petty Cash
Total for check: 30033		85.88				
MENASHA UTILITIES	30034	6/23/2011	06092011	100-1008-541.22-03	298.77	Electric
				100-1008-541.22-05	85.15	Water
				601-1020-543.22-03	37.52	Electric
				100-0704-552.22-03	204.14	Electric
				100-0704-552.22-05	875.05	Water

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MENASHA UTILITIES...	30034...	6/23/2011...	06092011...	731-1022-541.22-03	1,038.71	Electric
				731-1022-541.22-05	504.68	Water
				731-1022-541.22-06	767.50	Storm
				266-1028-543.22-06	73.13	Storm
				100-0801-521.22-03	1,393.73	Electric
				100-0801-521.22-05	292.67	Water
				100-0801-521.22-06	62.71	Storm
				100-0000-123.00-00	1,009.25	Electric
				100-0000-123.00-00	211.93	Water
				100-0000-123.00-00	45.41	Storm
				100-0601-551.22-03	3,977.20	Electric
				100-0601-551.22-05	570.42	Water
				100-0601-551.22-06	103.75	Storm
				207-0707-552.22-05	295.17	Water
				100-1019-552.22-03	221.30	Electric
				100-1019-552.22-05	12.11	Water
				100-0000-123.00-00	6.51	Electric
				100-0703-553.22-03	1,839.96	Electric
				100-0703-553.22-06	280.61	Storm
				100-0305-562.22-06	7.50	Storm
	6/23/2011	06162011	267-0102-581.22-03	1,415.79		
			267-0102-581.22-05	152.37		
			Total for check: 30034	15,783.04		
MODERN BUSINESS MACHINES	30035	6/23/2011	26251549	100-1001-514.24-04	280.50	Copier Maintenance
				Total for check: 30035	280.50	
MODERN DAIRY INC	30036	6/23/2011	195378	100-0704-552.30-17	406.72	Concessions
				Total for check: 30036	406.72	
MONOPRICE INC	30037	6/23/2011	4571181	100-1001-514.30-10	23.33	Toner
				731-1022-541.30-10	23.33	Toner

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MONOPRICE INC...	30037...	6/23/2011	4634471	743-0403-513.21-04	11.32	Phone Cable
			Total for check: 30037		57.98	
MORTON SAFETY	30038	6/23/2011	582894	731-1022-541.30-18	59.94	EAR PLUGS/EYEWEAR
		6/23/2011	583322	100-0704-552.30-10	231.65	First Aid Supplies
		6/23/2011	583828	731-1022-541.30-18	85.10	Sqwincher
			Total for check: 30038		376.69	
N&M AUTO SUPPLY	30039	6/23/2011	359246	731-1022-541.38-03	10.74	Lug Nut
		6/23/2011	359412	731-1022-541.38-03	(8.52)	Lug Nut
		6/23/2011	360721	731-1022-541.38-03	(245.84)	Lug Nut/Alternator Core Deposit
		6/23/2011	361890	731-1022-541.38-03	(87.98)	Ignition Coil
		6/23/2011	362083	731-1022-541.38-03	103.67	Brake Pads/Rotor
		6/23/2011	362454	731-1022-541.38-03	73.34	Adapter/Spark Plugs
		6/23/2011	362555	731-1022-541.30-18	11.80	Replacement Bulb
		6/23/2011	362571	100-0704-552.24-04	6.74	Pool/Gasket Material
		6/23/2011	362590	731-1022-541.38-03	9.96	Stoplight Switch
		6/23/2011	362714	731-1022-541.30-15	64.28	Grease Gun
		6/23/2011	362818	731-1022-541.38-03	91.19	Pitman Arm Assy 1995 Chev Truck
		6/23/2011	362943	731-1022-541.38-03	12.39	Door Hinge/Pin
		6/23/2011	363112	731-1022-541.38-03	90.49	Legend Battery Core Deposit
			Total for check: 30039		132.26	
NEENAH FOUNDRY	30040	6/23/2011	32981	100-1009-541.30-18	5,760.00	Plate
				601-1020-543.30-18	11,424.00	Lids
				625-1010-541.30-18	2,046.00	Frame
			Total for check: 30040		19,230.00	
NEENAH-MENASHA MUNICIPAL COURT	30041	6/23/2011	061511	100-0000-201.03-00	454.00	Bond Report #11-68
		6/23/2011	06152011	100-0000-201.03-00	454.00	Bond Report #11-67
		6/23/2011	062011	100-0000-201.03-00	328.00	Bond Report #11-169
		6/23/2011	06202011	100-0000-201.03-00	202.00	Bond Report #11-1717

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NEENAH-MENASHA MUNICIPAL COURT...	30041...	6/23/2011	62011	100-0000-201.03-00	139.00	Bond Report #11-168
			Total for check: 30041		1,577.00	
OFFICE DEPOT	30042	6/23/2011	564738413001	100-0909-531.30-10	9.44	Office Supplies
				100-0903-531.30-10	4.50	Office Supplies
			Total for check: 30042		13.94	
PACKER CITY INTERNATIONAL	30043	6/23/2011	3-211450063	731-1022-541.38-03	76.28	Air Filter/Fuel Filter
		6/23/2011	3-211460081	731-1022-541.38-03	84.76	Fuel Filter
		6/23/2011	3-211510094	731-1022-541.38-03	96.10	Fuel Filter
		6/23/2011	3-211520040	731-1022-541.38-03	48.75	Hydraulic
			Total for check: 30043		305.89	
PAVEMENT MAINTENANCE INC	30044	6/23/2011	7401B	100-1003-541.82-02	4,837.20	Pulverizing
			Total for check: 30044		4,837.20	
PERSONNEL EVALUATION INC	30045	6/23/2011	96887	100-0801-521.21-06	80.00	Profiles
			Total for check: 30045		80.00	
PRECISION SEALCOATING INC	30046	6/23/2011		100-1003-541.20-10	20,999.19	2011 Crack Seal Program #M0003-910136-A
			Total for check: 30046		20,999.19	
PRO-X SYSTEMS LAWNCARE	30047	6/23/2011	105754	100-1018-543.21-06	728.00	Round Up
			Total for check: 30047		728.00	
REDI-WELDING CO	30048	6/23/2011	14214	731-1022-541.30-18	83.55	Alum Tubing/Bar/Handles
				601-1020-543.30-18	76.00	Alum Tubing/Bar/Handles
			Total for check: 30048		159.55	

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RIESTERER & SCHNELL INC	30049	6/23/2011	233627	731-1022-541.38-03	177.08	Spring/Blade
			Total for check: 30049		177.08	
ROAD EQUIPMENT	30050	6/23/2011	WA530689	731-1022-541.38-03	66.00	LED Amber/Red
			Total for check: 30050		66.00	
ROLAND MACHINERY EXCHANGE	30051	6/23/2011	21064393	731-1022-541.38-03	924.81	Hopper/Bib/Filter ElementSolenoid Coil
			Total for check: 30051		924.81	
SAM'S CLUB/GEMB	30052	6/23/2011	06162011	100-0702-552.32-01	220.50	Membership
			Total for check: 30052		220.50	
SCHENCK BUSINESS SOLUTIONS	30053	6/23/2011	501283	601-0401-513.21-03	1,125.00	Audit/City Sewer Utility Prepare Report
			Total for check: 30053		1,125.00	
SECURITY FENCE & SUPPLY CO INC	30054	6/23/2011	2011-20592-IN	100-0701-533.30-18	165.22	Pipe and Fittings
			Total for check: 30054		165.22	
STAPLES ADVANTAGE	30055	6/23/2011	8018700299	731-1022-541.30-10	53.43	Office Supplies
			Total for check: 30055		53.43	
SUNGARD PUBLIC SECTOR INC	30056	6/23/2011	37323	743-0403-513.24-04	2,555.00	Maintenance
			Total for check: 30056		2,555.00	
TAPCO	30057	6/23/2011	1368664	100-1008-541.30-18	233.78	Traffic Signal
			Total for check: 30057		233.78	
TRADER PLUMBING	30058	6/23/2011	34864	100-0703-553.24-03	158.00	Smith Park
		6/23/2011	34933	100-0704-552.24-04	1,500.00	Jefferson Pool

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TRADER PLUMBING...	30058...	6/23/2011	34934	100-0704-552.24-04	560.00	Jefferson Pool
			Total for check: 30058		2,218.00	
UNIFIRST CORPORATION	30059	6/23/2011	0970088677	731-1022-541.20-01	107.58	MAT/MOP/CLOTHING SERVICE
			Total for check: 30059		107.58	
US OIL CO	30060	6/23/2011	L41913	731-1022-541.21-06	12.00	Sample
			Total for check: 30060		12.00	
US PETROLUEM EQUIPMENT	30061	6/23/2011	M27238	731-1022-541.30-18	1,297.78	Thrive 10W30
			Total for check: 30061		1,297.78	
VALLEY CHEMICAL LLC	30062	6/23/2011	0032798-IN	100-0704-552.30-18	426.64	Pool Chemicals
			Total for check: 30062		426.64	
VALLEY POPCORN CO INC	30063	6/23/2011	111045	100-0704-552.30-17	339.90	Concessions
			Total for check: 30063		339.90	
VERIZON WIRELESS	30064	6/23/2011	2581096026	100-0704-552.22-01	8.63	Telephone
			Total for check: 30064		8.63	
WINNEBAGO COUNTY CLERK OF COURTS	30065	6/23/2011	06202011	100-0000-201.03-00	350.00	Bond Report #11-1644
			Total for check: 30065		350.00	
WINNEBAGO COUNTY TREASURER	30066	6/23/2011	LF117256	100-1016-543.25-01	12,761.58	Residential
				100-1017-543.25-01	3,818.87	Residential
				266-1027-543.25-01	50.00	Electronics
			Total for check: 30066		16,630.45	

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WISCONSIN COUNCIL 40 PER CAPITA TAX	30067	6/23/2011	20110623	100-0000-202.06-00	300.00	PAYROLL SUMMARY
			Total for check: 30067		300.00	
WISCONSIN DEPT OF JUSTICE	30068	6/23/2011	L7101T	100-0801-521.21-06	161.00	NAME SEARCHES
			Total for check: 30068		161.00	
WISCONSIN SUPPORT COLLECTIONS	30069	6/23/2011	20110623	100-0000-202.03-00	440.23	PAYROLL SUMMARY
			Total for check: 30069		440.23	
WISCONSIN TAXPAYERS ALLIANCE	30070	6/23/2011	06172011	100-0401-513.32-02	42.97	Renewal
			Total for check: 30070		42.97	
					237,404.78	

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ACCURATE	30071	6/30/2011	1108451	731-1022-541.30-18	60.45	Tank/Disc/Tie Shop Supplies
		6/30/2011	1108513	731-1022-541.38-03	54.90	Blade/Stock
				731-1022-541.30-18	14.49	Air Tank Inlet/Plug Shop Supplies
				731-1022-541.30-15	113.70	Stands Wish List
			Total for check: 30071		243.54	
AMERICAN RED CROSS	30072	6/30/2011	7734	100-0911-531.30-15	60.00	AED Trainer
			Total for check: 30072		60.00	
ANDERSEN BASEMENT REPAIR	30073	6/30/2011	REFUND	100-0000-422.01-00	72.40	Building Permit Refund
			Total for check: 30073		72.40	
CITY OF APPLETON	30074	6/30/2011	199096	100-0302-542.25-01	15,683.00	June Valley Transit
			Total for check: 30074		15,683.00	
ARCTIC GLACIER PREMIUM ICE	30075	6/30/2011	160115805	100-0704-552.30-17	56.70	Ice
			Total for check: 30075		56.70	
ATSSA	30076	6/30/2011	90041861	100-1002-541.32-01	73.00	MEMBERSHIP
			Total for check: 30076		73.00	
BADGER HIGHWAYS CO INC	30077	6/30/2011	153705	100-1003-541.30-18	86.94	FOB Menasha Cold Mix
				601-1020-543.30-18	177.98	Hotmix Asphalt
			Total for check: 30077		264.92	
BADGER LAB & ENGINEERING INC	30078	6/30/2011	INV000045132	601-1020-543.21-02	665.00	Whiting Pape/Wastewater
		6/30/2011	INV000045185	601-1020-543.21-02	911.00	Sun Chemical/Wastewater
		6/30/2011	INV000045186	601-1020-543.21-02	766.00	Graphics/Wastewaters
		6/30/2011	INV000045187	601-1020-543.21-02	766.00	Exopack/Wastewaters
		6/30/2011	INV000045212	601-1020-543.21-02	911.00	Dura-Fibre/Wastewater

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BADGER LAB & ENGINEERING INC...	30078...	6/30/2011	INV000045268	601-1020-543.21-02	590.00	GUNDERSON/WASTEWATER
	Total for check: 30078				<u>4,609.00</u>	
BERGSTROM	30079	6/30/2011	111953	731-1022-541.38-03	536.06	Pipe
		6/30/2011	7316	100-0801-521.29-05	112.63	Diagnosis A/C
Total for check: 30079				<u>648.69</u>		
BRAZEE ACE HARDWARE	30080	6/30/2011	013747	100-0704-552.24-03	1.80	Pool Plumbing
		6/30/2011	013813	100-1001-514.24-03	3.79	Socket Extender
Total for check: 30080				<u>5.59</u>		
BRAVIS BRICCO	30081	6/30/2011	INSTRUCTION	100-0702-552.20-03	266.00	Skateboard Instruction
	Total for check: 30081				<u>266.00</u>	
BRUCE MUNICIPAL EQUIPMENT INC	30082	6/30/2011	5111948	731-1022-541.38-03	12.17	Clamp
	Total for check: 30082				<u>12.17</u>	
CARDMEMBER SERVICE	30085	6/30/2011		100-0601-551.30-13	(156.00)	Library Emg Light
				100-0920-531.24-03	31.33	SC Mulch
				100-0501-522.24-03	74.13	Station 35
				731-1022-541.24-03	27.75	PWF Door Lock
				100-0801-521.30-13	99.00	Trash Compactor Bags
				100-0000-132.00-00	133.42	Clorox Wipes
				743-0403-513.34-04	12.95	Online Tech Resource Database
				743-0403-513.34-03	35.67	GIPAW Conference Chula Vista
				743-0403-513.30-15	186.46	Check Printer/Finance
				100-0801-521.30-15	10.94	Ron Bouchard/Phone case
				100-0704-552.22-01	22.60	Vonage Service
				100-0801-521.30-15	15.18	Phone Items/Ron Bouchard
			100-0801-521.34-03	723.20	Renaissance Hotels	
			100-0802-521.34-03	200.00	Stone Toad	

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CARDMEMBER SERVICE...	30085	6/30/2011		100-0801-521.30-15	900.00	Next Level
				100-0801-521.34-03	7.37	Arby's
				100-0801-521.34-03	170.00	The Pointe Hotel
				100-0801-521.38-01	10.00	Mills Gas
				100-0801-521.34-03	7.59	Culver's
				100-0801-521.19-03	154.91	Galls Inc
				100-0000-201.03-00	8.11	Amazon Marketplace
				100-0000-201.03-00	40.00	Google IDB
				100-0601-551.30-16	19.87	Hobby Lobby
				100-0401-513.34-03	80.00	Brookfield Suites
				100-0702-552.32-01	100.00	Membership
				100-0702-552.34-03	122.83	Training
				100-0702-552.30-18	5.97	Office Supplies
				100-0702-552.30-18	27.51	First Aid
				100-0704-552.30-10	625.45	Suits
				100-0702-552.30-18	199.27	Program
				100-0704-552.30-10	45.50	Suits
				100-0702-552.30-18	138.98	Tennis
				100-0703-553.30-18	190.00	Old Seed Solution
				100-0703-553.30-18	11.85	Mills Fleet Farm
			100-0703-553.30-18	31.92	Mills Fleet Farm	
			100-0703-553.30-15	109.99	Mills Fleet Farm	
			100-0703-553.34-02	90.00	WI Park & Rec	
			100-0000-201.15-00	282.00	Farm Market	
			100-0601-551.24-04	305.00	Racing Electronics	
			Total for check: 30085	5,100.75		
COCA-COLA REFRESHMENTS	30086	6/30/2011		100-0704-552.30-17	99.05	Soda
				Total for check: 30086	99.05	
COMMUNITY HOUSING COORDINATOR	30087	6/30/2011		100-0304-562.21-06	1,800.00	May 2011 Contracted Services
				Total for check: 30087	1,800.00	

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DAVIS & KUELTHAU	30088	6/30/2011	335424	100-0202-512.21-01	936.00	Police Negotiations
	Total for check: 30088				<u>936.00</u>	
DIGICORPORATION	30089	6/30/2011	113624	100-0704-552.29-01	60.00	Sub Cards
	30089	6/30/2011	113667	100-0000-201.15-00	100.00	Farm Market Cards
Total for check: 30089				<u>160.00</u>		
DUMKE & ASSOCIATES & COMMON COUNCIL 7/5/11 PAGE 1	30090	6/30/2011	316 RACINE ST	100-0903-531.29-06	2,077.50	316 Racine Rental
	Total for check: 30090				<u>2,077.50</u>	
FIRST SUPPLY LLC	30091	6/30/2011	8856796-00	100-0704-552.24-04	461.54	PVC/Pipe/Cement
	Total for check: 30091				<u>461.54</u>	
BOX VALLEY HUMANE ASSOCIATION	30092	6/30/2011	MAY 2011	100-0806-532.25-01	1,272.35	14 Animals
	Total for check: 30092				<u>1,272.35</u>	
BOX-WOLF WATERSHED ALLIANCE	30093	6/30/2011	704	100-0304-562.33-02	120.00	Registration Fee
	Total for check: 30093				<u>120.00</u>	
BILLY GRISACK	30094	6/30/2011	6/28/11	100-0702-552.20-05	250.00	
	Total for check: 30094				<u>250.00</u>	
HORN PRECAST	30095	6/30/2011	1981	601-1020-543.30-18	1,092.00	Risers
	30095	6/30/2011		625-1010-541.30-18	1,087.00	Risers
Total for check: 30095				<u>2,179.00</u>		
HORST DISTRIBUTING INC	30096	6/30/2011	12201-000	731-1022-541.38-03	53.72	Cable
	Total for check: 30096				<u>53.72</u>	

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INTOXIMETERS	30097	6/30/2011	334829	100-0801-521.30-18	67.50	Mouthpiece
			Total for check: 30097		<u>67.50</u>	
JOE'S POWER CENTER	30098	6/30/2011	108971	625-1010-541.30-18	108.00	Rental/Hay Chopper
			Total for check: 30098		<u>108.00</u>	
JOHN DEERE FINANCIAL	30099	6/30/2011	06142011	100-0703-553.30-18	350.00	Landscape Materials
			Total for check: 30099		<u>350.00</u>	
JOHN'S SAW SERVICE	30100	6/30/2011	7946	731-1022-541.38-03	16.99	Cable for Edger
			Total for check: 30100		<u>16.99</u>	
LX ENTERPRISES INC	30101	6/30/2011	G-211580013	731-1022-541.38-03	271.45	Hose/Clamp/Tie Rod
		6/30/2011	G-211580014	731-1022-541.38-03	177.56	Fan Blade
		6/30/2011	G-211590015	731-1022-541.38-03	176.90	Kit Adjuster
			Total for check: 30101		<u>625.91</u>	
KAEMPFER & ASSOCIATES INC	30102	6/30/2011	16090	601-1020-543.21-02	1,518.52	Sewer User Monitoring
		6/30/2011	16091	601-1020-543.21-02	256.99	NMSC Sampling Eval
		6/30/2011	16092	601-1020-543.21-02	128.49	CWA Info Request
		6/30/2011	16093	601-1020-543.21-02	3,004.99	Phase 4 SSES
		6/30/2011	16094	601-1020-543.21-02	1,418.39	Phase 4 SSES
		6/30/2011	16095	601-1020-543.21-02	2,790.76	Phase 4 SSES
		6/30/2011	16096	601-1020-543.21-02	480.96	Phase 4 SSES
		Total for check: 30102		<u>9,599.10</u>		
KUNDINGER FLUID POWER INC	30103	6/30/2011	50141141	731-1022-541.38-03	22.80	Clamp
		6/30/2011	50141145	731-1022-541.38-03	333.06	Hose
			Total for check: 30103		<u>355.86</u>	

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LARK UNIFORM OUTFITTERS INC	30104	6/30/2011	79896	100-0804-521.30-18	147.00	Uniform	
		6/30/2011	82597	100-0801-521.19-03	475.60	Uniform	
			Total for check: 30104			<u>622.60</u>	
MATTHEWS TIRE & SERVICE CENTER	30105	6/30/2011	212583	731-1022-541.38-02	84.29	Goodyear Tires/Hardware	
		6/30/2011	38556	731-1022-541.38-02	35.51	Flat repair	
		6/30/2011	38649	731-1022-541.38-02	184.69	Repair Flat/Foam Fill	
			Total for check: 30105			<u>304.49</u>	
MEDICAL EXPENSE REIMBURSEMENT TRUST	30106	6/30/2011	20110630	100-0000-202.08-00	32,885.20	PAYROLL SUMMARY	
			Total for check: 30106			<u>32,885.20</u>	
MENARDS-APPLETON EAST	30107	6/30/2011	22210	100-0801-521.24-03	269.40	BTU Portable AC/HT	
				100-0501-522.24-03	179.60	BTU Portable AC/HT	
			Total for check: 30107			<u>449.00</u>	
MENASHA EMPLOYEES CREDIT UNION	30108	6/30/2011	20110630	100-0000-202.05-00	16,020.00	PAYROLL SUMMARY	
			Total for check: 30108			<u>16,020.00</u>	
MENASHA UTILITIES	30110	6/30/2011		100-1012-541.22-03	112.95	May 2011 Revised	
				100-1008-541.22-03	300.54	Electric	
				100-0000-123.00-00	14.95	Electric	
				100-1012-541.22-03	78.59	Electric	
				100-0305-562.22-03	19.59	Electric	
				100-0305-562.22-06	15.00	Storm	
				100-0304-562.22-03	19.87	Electric	
				100-1013-541.22-03	46.08	Electric	
			100-1013-541.22-06	187.49	Storm		
			207-0707-552.22-03	672.93	Electric		
			207-0707-552.22-05	38.95	Water		
			207-0707-552.22-06	31.87	Storm		

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MENASHA UTILITIES...	30110...	6/30/2011...	...	100-0703-553.22-03	788.04	Electric
				100-0703-553.22-05	704.65	Water
				100-0703-553.22-06	200.61	Storm
				100-1001-514.22-03	1,266.06	Electric
				100-1001-514.22-05	412.20	Water
				743-0403-513.21-04	3,061.36	Outside Services
				100-1014-543.22-06	12.50	Storm
				100-1019-552.22-03	147.54	Electric
				100-1019-552.22-05	484.51	Water
				601-1020-543.22-03	26.45	Electric
			Total for check: 30110	8,642.73		
MODERN DAIRY INC	30111	6/30/2011	195443	100-0704-552.30-17	50.00	Pool Concessions
			Total for check: 30111		50.00	
MONOPRICE INC	30112	6/30/2011	4653869	100-1001-514.30-10	145.55	City Hall Toner
			Total for check: 30112		145.55	
MORTON SAFETY	30113	6/30/2011	585467	100-0704-552.30-10	24.50	First-Aid Supplies
			Total for check: 30113		24.50	
N&M AUTO SUPPLY	30114	6/30/2011	363339	731-1022-541.38-03	76.49	Marine Battery/Core Dep
			Total for check: 30114		76.49	
CITY OF NEENAH	30115	6/30/2011	FIRE/RESCUE	100-0501-522.25-01	257,692.00	Fire/Rescue Services
			Total for check: 30115		257,692.00	
NETWORK HEALTH PLAN	30116	6/30/2011	469448	100-0000-204.08-00	131,574.49	July 2011 Employees

AP Check Register Check Date: 6/30/2011

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
NETWORK HEALTH PLAN...	30116...	6/30/2011...	469448...	100-0000-204.11-00	11,207.38	Retirees/Cobra
			Total for check: 30116		142,781.87	
	30117	6/30/2011		263-0306-562.70-01	261.28	
			Total for check: 30117		261.28	
ROBERT O'CONNELL	30118	6/30/2011		100-0000-201.10-00	100.00	Exc Permit #10472
			Total for check: 30118		100.00	
ASHKOSH FIRE & POLICE EQUIPMENT INC	30119	6/30/2011	142104	100-0801-521.29-05	590.00	Bench Seat
			Total for check: 30119		590.00	Floor Pan
PACKER CITY INTERNATIONAL	30120	6/30/2011	3-211590038	731-1022-541.38-03	101.13	Air Filters/Hydraul
			Total for check: 30120		101.13	
HITNEY BOWES	30121	6/30/2011	4842044-JN11	100-1001-514.24-04	316.47	Postage Machine
			Total for check: 30121		316.47	
REDI-WELDING CO	30122	6/30/2011	14221	731-1022-541.30-18	40.00	Box Cover
			Total for check: 30122		40.00	
RIESTERER & SCHNELL INC	30123	6/30/2011	239757	731-1022-541.38-03	26.90	Gasket/Thermostat
			Total for check: 30123		26.90	
ROAD EQUIPMENT	30124	6/30/2011	WA531188	731-1022-541.38-03	67.99	LED Amber/Red
			Total for check: 30124		67.99	

AP Check Register

Check Date: 6/30/2011

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
DR TERESA RUDOLPH	30125	6/30/2011	JUNE SERVICES	100-0903-531.21-05	150.00	June Services
	Total for check: 30125				<u>150.00</u>	
SCHAEFFER MFG CO	30126	6/30/2011	UL4374-INV1	731-1022-541.30-18	414.00	Tube Case
	Total for check: 30126				<u>414.00</u>	
SHOPKO STORES INC	30127	6/30/2011	51191	100-0704-552.30-10	51.52	Pool Supplies
	Total for check: 30127				<u>51.52</u>	
STANLEY SECURITY SOLUTIONS INC	30128	6/30/2011	CH-557795	207-0707-552.30-18	117.60	Keyes to A1
	Total for check: 30128				<u>117.60</u>	
STAPLES ADVANTAGE	30129	6/30/2011	8018771202	100-0704-552.30-10	149.12	Pool Supplies
	Total for check: 30129				<u>180.76</u>	31.64 2nd Floor Paper
SUPERIOR CHEMICAL CORP	30130	6/30/2011	60687	100-0000-132.00-00	148.40	Drain Seal
	6/30/2011	60690	100-0000-132.00-00	597.45	Insecticide	
Total for check: 30130				<u>745.85</u>		
SWIDERSKI EQUIPMENT INC	30131	6/30/2011	IF07262	731-1022-541.38-03	21.24	Parts Counter
	6/30/2011	IF07329	731-1022-541.38-03	222.22	Stock	
Total for check: 30131				<u>243.46</u>		
TIMMER'S LANDSCAPING LLC	30132	6/30/2011	729	625-1010-541.82-02	1,200.00	Grading & Seeding/London
	Total for check: 30132				<u>1,200.00</u>	

AP Check Register

Check Date: 6/30/2011

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
UNIFIRST CORPORATION	30133	6/30/2011	097 0089144	731-1022-541.20-01	105.33	Clothing/Cleaning
			Total for check: 30133		<u>105.33</u>	
UNIFORM SHOPPE	30134	6/30/2011	199512	100-0804-521.30-18	93.55	Shirt
		6/30/2011	199513	100-0804-521.30-18	33.00	Shirt
		6/30/2011	199514	100-0804-521.30-18	33.00	Shirt
		6/30/2011	199515	100-0804-521.30-18	33.00	Shirt
		6/30/2011	199516	100-0804-521.30-18	31.00	Shirt
		6/30/2011	199517	100-0804-521.30-18	33.00	Shirt
			Total for check: 30134		<u>256.55</u>	
UNITED WAY FOX CITIES	30135	6/30/2011	20110630	100-0000-202.09-00	123.16	PAYROLL SUMMARY
			Total for check: 30135		<u>123.16</u>	
VALLEY CHEMICAL LLC	30136	6/30/2011	0033003-IN	100-0704-552.30-18	23.90	Titrating Reagent
			Total for check: 30136		<u>23.90</u>	
VISION INSURANCE PLAN OF AMERICA	30137	6/30/2011	99983	100-0000-204.10-00	1,049.40	July 2011 Employees
				100-0000-204.10-00	4.70	July 2011 Cobra
			Total for check: 30137		<u>1,054.10</u>	
WC INDUSTRIAL SUPPLY COMPANY	30138	6/30/2011	0013815-IN	100-1003-541.30-15	27.04	Coupling
			Total for check: 30138		<u>27.04</u>	
WE ENERGIES	30139	6/30/2011	100-0703-553.22-04	16.83	2170 Plank Road	
			100-0000-123.00-00	300.64	Neenah-Menasha Fire	
			100-1001-514.22-04	92.37	City Hall	
			100-0801-521.22-04	415.16	Police	
			100-0920-531.22-04	18.88	Senior Center	
			100-0601-551.22-04	1,071.94	Library	
			100-0703-553.22-04	83.10	Parks	

AP Check Register
Check Date: 6/30/2011

Vendor Name	Check Number	Check Date	Invoice Number	Account Number	Amount	Description
WE ENERGIES...	30139...	6/30/2011...	...	100-0704-552.22-04	33.03	Pool
				207-0707-552.22-04	31.65	Marina
				731-1022-541.22-04	332.07	Garage
				100-1001-514.22-04	29.99	901 Airport Road
			Total for check: 30139	2,425.66		
WE ENERGIES	30140	6/30/2011		267-0102-581.22-05	8.82	Street Lights
				Total for check: 30140	8.82	
WINNEBAGO COUNTY CLERK OF COURTS	30141	6/30/2011		100-0000-201.03-00	650.00	Bond
				100-0000-201.03-00	850.00	Bond
				Total for check: 30141	1,500.00	
WINNEBAGO COUNTY TREASURER	30142	6/30/2011		SHJ100558	2,006.94	Inmate Charges
				Total for check: 30142	2,006.94	
WISCONSIN COUNCIL 40 PER CAPITA TAX	30143	6/30/2011		20110630	300.00	PAYROLL SUMMARY
				Total for check: 30143	300.00	
WISCONSIN SUPPORT COLLECTIONS	30144	6/30/2011		20110630	1,297.32	PAYROLL SUMMARY
				Total for check: 30144	1,297.32	
ZARNOTH BRUSH WORKS INC	30145	6/30/2011		0134214-IN	206.75	Motor
				Total for check: 30145	206.75	
					521,265.24	



June 30, 2011

To: Common Council

From: Debbie Galeazzi, Clerk

Subject: Change of Agent for Ramsey & Ramsey, Inc.

A change of agent from Kathleen Bayer to Mary Saunders has been requested by Ramsey & Ramsey, Inc., d/b/a R&R Bar, 2 Tayco Street, Menasha. Ms. Bayer is no longer employed by Ramsey & Ramsey. All proper paperwork has been filed with the Clerk's office. A check of municipal and state criminal records on Ms. Saunders was completed by Lt. Bouchard. Based on the information received, Lt. Bouchard has no objection to the new agent appointment.



June 30, 2011

To: Common Council
From: Debbie Galeazzi, Clerk
Subject: Outdoor Alcoholic Beverage Permit-Jitters Bar LLC

In accordance with Section 7-2-17 of City of Menasha Municipal Code, Jitters Bar LLC, d/b/a Jitters Bar, 23 Main Street has submitted an application for extension of "Class B", license for the 2011-2012 licensing period requesting outdoor serving of alcoholic beverage on a deck/patio.

The Community Development Department has reviewed the application and has determined they are in compliance with the dimensional requirements based on City Code. The zoning and building code non-compliance issues have been addressed sufficiently to approve the outdoor alcohol service plan as originally proposed.

ORDINANCE O-7-11
Substitute Amendment #1

AN ORDINANCE AMENDING CHAPTER 2, MAYOR AND COMMON COUNCIL

INTRODUCED BY ALDERMAN SEVENICH

SEC. 2-2-1 COMMON COUNCIL

The Aldermen of the City shall constitute the Common Council. The Common Council shall be vested with all the powers of the City not specifically given some other officer, as those powers set forth elsewhere throughout this Code.

State Law Reference: Section 62.11, Wis. Stats.

SEC. 2-2-2 ALDERMEN

- (a) **ELECTION, TERM, NUMBER.** The City shall have ~~ten (10)~~ eight (8) Aldermen in addition to the Mayor, who is a member of the Common Council by virtue of ~~his~~ the office as Mayor. The ~~ten (10)~~ eight (8) Aldermen shall constitute the Common Council. ~~Two (2)~~ One (1) Alderman shall be elected from each Aldermanic District. ~~One (1) Alderman from each of the five (5) Aldermanic Districts~~ Aldermen from the even-numbered Aldermanic Districts shall be elected at the annual City election in the even-numbered years, and ~~one (1) each of said~~ Aldermen from the odd-numbered Aldermanic Districts shall be elected at the City election in the odd-numbered years, all to hold office for a period of two (2) years.
- (b) **APPOINTMENT AS MAYOR.** An alderman shall be eligible for appointment as Mayor to fill an unexpired term.

State Law Reference: Section 62.09, Wis. Stats.

SEC. 2-2-3 MAYOR

- (a) **ELECTION.** The Mayor shall be elected in even-numbered years for a term of four (4) years.
- (b) **DUTIES.**
- (1) The Mayor shall be the Chief Executive officer of the City. ~~He~~ The Mayor shall be responsible for directing the overall operations of the City. ~~He~~ The Mayor shall take care that the City ordinances and the State Statutes are observed and enforced.
 - (2) The Mayor shall, from time to time, provide the Council such information and recommend such measures as ~~he~~ the Mayor may deem advantageous to the City. When present, ~~he~~ the Mayor shall preside at the meetings of the Council.
 - (3) The Mayor shall be responsible for coordination and operation of all City departments.
 - (4) The Mayor shall review the development of the City budget.
 - (5) The Mayor shall provide direction for the City's economic development and other long-range plans.
 - (6) The Mayor shall work on plans for service and personnel levels.
 - (7) The Mayor may participate in the sale and purchase of property on behalf of the City.
 - (8) The Mayor shall analyze and interpret federal, state and county legislation to determine its impact on the City.
 - (9) The Mayor shall have such other duties and responsibilities as are prescribed in the Wisconsin Statutes and this Code of Ordinances.
- (c) **VETO POWER.** ~~He~~ The Mayor shall have the veto power as to all acts of the Council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to ~~him~~ the Mayor by the City Clerk and shall be ~~enforced in force~~ upon ~~his~~ approval evidenced by ~~his~~ the Mayor's signature, or upon ~~his~~ failing to approve ~~and~~ or disapprove within five (5) days, which fact shall be certified thereon by the Clerk. If the Mayor disapproves, ~~he~~ the Mayor's objection shall ~~be~~ file ~~his objections~~ with the Clerk, who shall present ~~it~~ them to the Council at its next meeting. A two-thirds (2/3) vote of all the members of the Council shall ~~be necessary~~ then make the act effective, notwithstanding the objection of the Mayor.

State Law Reference: Section 62.09(8), Wis. State.

SEC. 2-2-4 PRESIDENT OF THE COUNCIL

The Common Council at its first meeting subsequent to the regular election and qualification of new members shall, after organization, annually choose from its members a President who, in the absence of the Mayor, shall preside at meetings of the Council and, during the absence or inability of the Mayor, shall have the powers and duties of the Mayor, except that ~~he~~ the President shall not have power to approve an act of the Council which the Mayor has disapproved, by filing objections with the City Clerk. ~~He shall, w~~When so officiating, the President shall be styled "Acting Mayor." The President of the Council shall be elected for a one (1) year term of office.

State Law Reference: Section 62.09(9)(e), Wis. Stats.

SEC. 2-2-5 STANDING COMMITTEES; ACTION ON COMMITTEE REPORTS.

(a) **STANDING COMMITTEES.** At the organizational meeting of the Common Council in each year following the annual election, each of the following committees, shall be established; the general duties of which shall be as follows.

(1) **ADMINISTRATION COMMITTEE.** The Administration Committee shall consist of eight (8) aldermen. The Administration Committee shall have jurisdiction over the departments of City Clerk, City Treasurer, City Assessor and City Attorney. It shall be the duty of this Committee to audit and act on all demands, claims and actions against the City. ~~This Committee together with the Mayor and Clerk and two citizen members constitute the Insurance Board which has complete charge of insurance affairs. Recommendations of the Insurance Board are subject to Council ratification.~~ The Administration Committee shall study all resolutions referred to it. ~~shall meet with department heads under its jurisdiction.~~ The Administration Committee shall also have jurisdiction over the ~~departments of Director of Public Health, City Physician, Board of Health, Sealer of Weights and Measures, Community Development Department, Finance Department, Health Department, Parks & Recreation Department, Personnel Department, and the Police and Fire Departments in all matters not under the jurisdiction of the Police Commission, and Fire Commission and Joint Finance and Personnel Committee.~~ This Committee ~~shall have jurisdiction over operator licenses, and shall confer with the Police Chief, Fire Chief, and other department heads under its jurisdiction.~~ This Committee shall investigate all applications for licenses that are brought before the Common Council, except licenses and permits issued by the City Clerk as a ministerial duty. When action is required ~~Regular Administration Committee meetings and audit of all bills by all Committees~~ shall take place on the first and third Monday of the month preceding following the regular Common Council meetings provided that all such demands, claims, and accounts shall not be acted upon except at regular meetings of the Council. In addition, the Committee shall have the following general responsibilities:

a. ~~Monitor expenditures.~~

b. a. Review any proposed changes in the City's insurance coverage and risk management program

e. b. Have primary, but not exclusive, responsibility for reviewing the City's Code of Ordinances for adequacy.

d. c. Review Common Council action regarding proposed federal, state and county legislation impacting upon the City and its residents.

e. d. Review for Common Council adoption policies and procedures regarding City operations and the delivery of services to the public.

f. e. Review for Common Council adoption resolutions expressing the policy of the City regarding matters for which a formal declaration of official policy is required.

g. ~~Review with the Mayor, and with the City Attorney, regarding potential and pending litigation involving the City.~~

h. f. Consider any other matters which may be referred by the Common Council.

i. ~~Review and keep a record of all the insurance policies, the amount of each policy, the name of the company insuring each policy, the date of the expiration thereof, and the amount of premium. It shall have complete charge of investigating and looking into all the insurance affairs of the City, including health insurance coverage. It shall from time to time make~~

~~recommendations to the Common Council on its own motion and in turn shall handle investigatory matters referred to it by the Common Council. It shall attempt to meet with representatives of the Water and Electric Utilities Commission to the end that all health insurance and insurance coverage on municipal properties, both real and personal and liability, as well as group insurance shall be unified so that the greatest economical savings will be achieved. As the Water and Electric Utilities Commission desires to take part in such a program, the Committee shall consider and forward to the Common Council the recommendations of the Water and Electric Utilities Commission relating to insurance matters.~~

~~j.g~~ The Administration Committee is empowered to seek bids or quotes, or neither, and has the obligation and the right to call on representatives of various insurance companies to discuss their program.

~~k.h.~~ Selection of insurance companies to service the City's requirements shall be based upon residence of the full time agent handling the insurance, but not limited thereto; net premium, and service rendered in the past and ability to perform in the future. The recommendations of the Administration Committee shall be subject to Common Council ratification, as to selection of the individual carrier and the amounts thereof.

- (2) **BOARD OF PUBLIC WORKS.** The Board of Public Works shall consist of eight (8) Aldermen. Pursuant to Charter Ordinance O-24-79, the City of Menasha hereby elects pursuant to Chapter 66 of the Wisconsin Statutes to provide that the actions of the Board of Public Works shall be subject to Common Council approval and mayoral veto. The Board of Public Works shall have jurisdiction over the Department of Public Works which is supervised by the Director of Public Works and consists of the following divisions: Engineering, Streets, Bridges, Sanitation, and Municipal Buildings. This ~~Committee~~ Board also has jurisdiction over parking meter and parking lot operations. It shall be the duty of this ~~Committee~~ Board to study all resolutions referred to it, confer with the Director of Public Works, order street improvements and order work to be performed by personnel under its jurisdiction. All ~~actions~~ recommendations of this ~~Committee~~ Board must be approved by the Common Council before going into effect. The Board of Public Works shall have jurisdiction over all public buildings and grounds, voting places for elections and all public improvements. When action is required ~~Regular~~ Board of Public Works meetings shall take place on the first and third Monday of the month preceding the regular Council meeting. In addition, the Board shall perform such duties as outlined by State Law. The Board of Public Works shall also have the following general responsibilities:
- a. Review policy guidelines regarding public improvements.
 - b. ~~Mediate any dispute between a property owner and the City regarding public improvements.~~
 - c. Review and approve any unusual requests for use of the City buildings.
 - d. Review any proposed changes, remodeling, additions, etc., to the City Hall or other city buildings and/or property.
 - e. Review traffic or pedestrian safety matters, prior to needed action for Common Council approval.
 - f. Except for traffic enforcement, all other matters pertaining to traffic, traffic flow, streets, and related matters shall be referred to the Board of Public Works for recommendation.
 - g. Consider any other matter which may be referred by the Common Council.
- (3) **PERSONNEL COMMITTEE.** The Personnel Committee shall consist of all members of the Common Council and the Mayor. The Personnel Committee shall have jurisdiction over but not be limited to personnel matters, administration of labor contracts and contract negotiations as well as any other matters which may be forwarded to it by the Mayor or the Common Council. It may be considered an Executive Committee. The Personnel Committee shall also have the following general responsibilities:
- a. Establish policies for the supervision and control of City officers and employees unless state law otherwise provides.
 - b. The Committee Chairman shall take an active part in labor negotiations with all collective bargaining units.
 - c. Review for the Council all salary adjustments for non-union personnel. In addition to

other duties which may be delegated to the Personnel Committee from time to time by the Common Council, it shall review for the Council the hiring of full-time new personnel that are not considered replacements but added employees.

- d. Review for the Common Council any issue involving grievances as required by any labor contract.

(4) NEENAH-MENASHA JOINT FIRE FINANCE & PERSONNEL COMMITTEE.

a. **ORGANIZATION AND APPOINTMENT.** The Neenah Menasha Fire Rescue Joint Finance & Personnel Committee shall consist of six Council members, three from Neenah and three from Menasha and shall include the Council Presidents of both cities, a member of the Neenah Finance & Personnel Committee, the chair(s) of the Menasha Administration Committee or Personnel Committee, and two alderpersons at-large, one appointed by the Mayor of Neenah from the Neenah Common Council and one appointed by the Mayor of Menasha from the Menasha Common Council. The at-large alderperson shall be appointed for one-year terms that may be renewed. In the event of the chair of either the Neenah Finance & Personnel Committee or the Menasha Administration Committee or Personnel Committee is also the President of the respective Council, then the Mayor of that city shall appoint one additional at-large alderperson so that at all times each city shall have three representatives to this Committee. Such appointment(s) shall be subject to confirmation by the Common Council.

b. **POWERS & DUTIES.** The oversight of the day-to-day operations & budgetary matters of the Neenah Menasha Fire Rescue shall be conducted by the Joint Fire Finance & Personnel Committee. The Joint Fire Finance & Personnel Committee shall review budgetary issues, labor contracts, position vacancies, proposed new positions, capital outlay items and expenses of \$5000 or more and make recommendations to the Common Councils of the Cities of Neenah and Menasha. The recommendations of the Joint Finance & Personnel Committee shall be acted upon separately by the common councils of both Neenah and Menasha and shall be effective only upon the concurrence of both councils.

c. **SEVERABILITY.** In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

(b) **SPECIAL COMMITTEES.** The Mayor may, from time to time, appoint such special committee or committees as he/she may deem advisable or as provided for by motion or resolution stating the number of members to perform such duties as may be assigned to them.

(c) **TIME FOR MAYORAL APPOINTMENTS.** All mayoral appointments to boards, commissions or committees of whatever nature which require Council confirmation shall be submitted to the Common Council no later than thirty (30) days after the expiration of a particular term of office, unless the Mayor submits reasons why said position cannot be filled.

(d) **COUNCIL ORGANIZATION.** All Council Committees, including the Board of Public Works, at their first organizational meeting shall name their own chairman and vice-chairman for purposes of organization only. The City Clerk shall call the organizational meeting of the Administration Committee as soon after Council approval as is convenient. The Director of Public Works shall call the organizational meeting of the Board of Public Works as soon after Council approval as is convenient. The ~~Personnel~~ Human Resources Director shall call the organizational meeting of the Personnel Committee as soon after Council approval as is convenient.

(e) **MAYOR'S MEMBERSHIP.** The Mayor shall be an ex-officio member of the Administration Committee and the Board of Public Works, but, however, he shall be a voting member of the Personnel Committee.

(f) **REFERENCE AND REPORTS.**

(1) The Mayor shall refer new business coming before the Common Council to the appropriate committee, unless otherwise referred or disposed of by motion of the Council.

(2) Committee reports shall be in writing and shall be filed with the City Clerk.

(g) **COOPERATION OF CITY OFFICERS.**

(1) All City officers shall, upon request of the chairman of the committee, confer with the committee and supply to it such information as may be requested in connection with any

matter pending before the committee.

- (2) It shall be the duty of the City Clerk, or his deputy, and all department heads Chief of the Fire Department and Chief of the Police Department, Director of Public Works, or in their absence, their assignee, to attend all meetings of their committee of jurisdiction unless for due cause their attendance has been excused by the Mayor. In the event the Chiefs of the respective Fire and Police Departments cannot attend and have been excused by the Mayor, they may delegate a command officer to represent them. The Fire Chief and the Chief of Police need not attend regular Council meetings unless requested by the Mayor, the President of the Council or a chairman of a standing committee. It shall further be the duty of all salaried officers of the City to attend the Common Council's regular meeting whenever requested by the Mayor, the President of Council, or the head of any standing committee. When the Chief of Police is not in attendance at the regular Council meeting, he shall designate an officer to act as sergeant at arms.
- (3) Unless required by any State Statute, no standing committees will have the power to make recommendations to the Common Council nor to bind the City in any fashion. All issues reviewed by standing committees must be considered by the Common Council.

(hg) **SECRETARY.** The City Clerk or designee shall be secretary of the Administration Committee, ~~the Director of Public Works, or designee shall be the secretary of the Board of Public Works, and the Personnel Director, or designee shall be the secretary of the Personnel Committee.~~ Should a secretary of a standing committee or Board of Public Works not be able to attend a meeting for any reason whatsoever, ~~he shall notify~~ the City Clerk who will appoint an acting secretary on a meeting by meeting basis.

SEC. 2-2-6 GENERAL POWERS OF THE COMMON COUNCIL

- (a) **GENERAL.** The Common Council shall be vested with all the powers of the City not specifically given some other officer. Except as otherwise provided by law, the Common Council shall have the management and control of the City property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the City, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
- (b) **ACQUISITION AND DISPOSAL OF PROPERTY.** The Common Council may acquire property, real or personal, within or without the City, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or contiguous to the city, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such City owned property.
- (c) **ACQUISITION OF EASEMENTS AND PROPERTY RIGHTS.** Confirming all powers granted to the Common Council and in furtherance thereof, the Council is expressly authorized to acquire by gift, purchase or condemnation under Ch. 32, Wis. Stats., any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature of the public or for any public purpose, including the exercise of powers granted under Sections 61.35 and 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.
- (d) **CITY FINANCES.** The Common Council may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the City finances.
- (e) **CONSTRUCTION OF POWERS.** Consistent with the purpose of giving to cities the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Common Council in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of cities to promote the general welfare, peace, good order and prosperity of the City and its inhabitants.

State Law Reference: Art. XI, Sec. 3, Wis. Const.; Sections 62.09(7) and 62.11, Wis. Stats.

SEC. 2-2-7 COOPERATION WITH OTHER MUNICIPALITIES

The Common Council, on behalf of the City, may join with other villages, towns, or cities or other governmental entities in a cooperative arrangement for executing any power or duty in order to attain greater economy of efficiency, including joint employment of appointive officers and employees and joint purchasing programs.

State Law Reference: Section ~~66.30~~, 66.0301 Wis. Stats.

SEC. 2-2-8 INTERNAL POWERS OF THE COUNCIL

The Common Council has the power to preserve order at its meetings, compel attendance of Aldermen and fine or expel for neglect of duty and punish by fine members or other persons present for disorderly behavior. The Common Council shall be judge of the election and qualification of its members. Any Alderman who cannot attend a Council meeting or Committee meeting shall be recorded absent-excused if he/she has notified the Mayor, City Clerk, President of the Council, or Committee Chair if he/she is unable to attend such meeting. Failure to so notify shall result in that Alderman being recorded absent-unexcused.

State Law Reference: Section 62.11, Wis. Stats.

SEC. 2-2-9 SALARIES

- (a) The Mayor and Aldermen who make up the Common Council, whether operating under general or special law, may, by majority vote of all the members of the Common Council, determine that a salary or per diem compensation be paid the Mayor and Alderman.

State Law Reference: Section 62.09(6), Wis. Stats.

- (b) The annual salary for aldermen shall be ~~\$4,940.00 commencing on the third Tuesday of April, 2003; \$5,060 commencing on the third Tuesday of April, 2006; and \$5,190 commencing on the third Tuesday of April, 2007~~
- (c) The salary of the president of the Common Council shall be \$300 per annum over and above the salary given the other aldermen and shall be payable bi-weekly consolidated with his regular aldermanic salary.
- (d) The aldermen's salary shall be paid bi-weekly.
- (e) ~~It is the intent of this ordinance that not all members of the Common Council will necessarily be paid the same in a particular year.~~
- (f e) The annual salary for the mayor shall be ~~\$60,900.00 effective the third Tuesday of April, 2003; \$62,400 commencing on the third Tuesday of April, 2006; and \$64,000 commencing on the third Tuesday of April 2007.~~
- (g f) The mayor's salary shall be paid bi-weekly.

SEC. 2-2-10 MEETINGS OF THE COMMON COUNCIL

- (a) **ANNUAL ORGANIZATION MEETING.** Following a regular City election, the Common Council shall meet on the third Tuesday of April for the purpose of organization.
- (b) **REGULAR MEETINGS.** Regular meetings of the Common Council, except the Annual Organization Meeting, shall be held on the first and third Mondays of each calendar month, at the hour of ~~7:00~~ 6:00 p.m. Any regular meetings falling upon a legal holiday shall be held on the next following secular day, at the same hour and place, or as otherwise designated by majority vote of the Common Council. For purposes of this Section, "legal holiday" shall mean: New Year's Day,

Memorial Day, July 4th, Christmas, Labor Day, and any day in which elections are held in the City of Menasha as authorized by State Law. For the purpose of this Section, legal holidays shall also include Days of National Commemoration, Celebration or Mourning as proclaimed by the President of the United States and the Governor of the State of Wisconsin. All meetings of the Council shall be held in the Menasha City Hall, including special and adjourned meetings, unless another location is designated by the Common Council at a previous meeting.

- (c) The annual organizational meeting shall be the third Tuesday in April at ~~7:30~~ 6:30 p.m.
- (d) Department Attendance at Common Council Meetings.
 - (1) All Department Heads shall attend all meetings of the Common Council, unless specifically excused by the Mayor or the Council President. Such excused absences shall be noted on the official minutes.
 - (2) In lieu of the Department Head, a Supervisory employee of that department may be designated to represent any Department Head at any meeting.
 - (3) For any Department that has been consolidated with a department from another municipality, that Department Head need only attend the Council meeting if there is a specific item on the agenda related to that department, or if the Mayor or any Committee Chair has specifically requested that Department Head to attend.
 - (4) The attendance requirement shall not extend to any Special Council meetings. Department Heads shall attend Common Council meetings whenever the Mayor or any Committee Chair has specifically requested that Department Head to attend.

State Law Reference: Section 62.11(2), Wis. Stats.

SEC. 2-2-11 SPECIAL MEETINGS

- (a) Special meetings may be called by the Mayor upon written notice of the time and purpose thereof to each member of the Council delivered to ~~him~~them personally or left at ~~his~~ their usual place of abode at least six (6) hours before the meeting. The City Clerk shall cause an affidavit of service of such notice to be filed in ~~his~~the office prior to the time fixed for such special meetings. A special meeting may be held without such notice when all members of the Common Council are present in person, or consent in writing to the holding of such a meeting, provided the provisions of Wisconsin's Open Meeting Law are complied with. If written consent is obtained, it shall be filed with the City Clerk prior to the beginning of the meeting. Attendance by any Council member shall be deemed a waiver on ~~his~~ their part of any defect of notice. Any special meeting attended by all Aldermen shall be a regular meeting for the transaction of any business that may come before such meeting.
- (b) Parties requesting a special meeting of the Council shall pay the cost of such meeting.
- (c) The agenda for special Common Council meetings shall include an item on the agenda "PEOPLE FROM THE GALLERY TO BE HEARD ON MATTERS PERTAINING TO THIS AGENDA".
- (d) Any person speaking pursuant to Sec. 2-2-11(c) shall be limited to 5 minutes.

State Law Reference: Section 62.11(2), Wis. Stats.

SEC. 2-2-12 OPEN MEETINGS.

Except as provided in Sec. 19.85, Wis. Stats., all meetings of the Common Council, committees thereof, and boards and commissions, shall be open to the public.

State Law Reference: Section 62.11(3)(c) and Ch. 19, Subch. IV, Wis. Stats.

SEC. 2-2-13 QUORUM.

- (a) A two-thirds (2/3) majority of the members-elect of the Common Council shall constitute a quorum. ~~but a lesser number may adjourn if a majority is not present or~~ A less number may compel the attendance of absent members and adjourn. The Mayor shall not be counted in computing a quorum. No action shall be taken unless a quorum is present. A majority of all the members shall be necessary to a confirmation. In case of a tie the Mayor shall have a casting vote as in other cases.
- (b) The Council may, by a majority vote of those present, adjourn from time to time to a specific date and hour.

State Law Reference: Section 62.11(3)(b), Wis. Stats.

SEC. 2-2-14 PRESIDING OFFICERS.

- (a) **PRESIDING OFFICER.** The Mayor shall preside over all meetings of the Common Council. In the absence of the Mayor, the President of the Council shall preside. In case of absence of the Mayor and President of the Council, the City Clerk shall call the meeting to order.
- (b) **DUTIES.** The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order, Newly Revised (1990), unless otherwise provided by statute or by these rules.

State Law Reference: Section 62.09(8), Wis. Stats.

SEC. 2-2-15 ORDER OF BUSINESS.

- (a) **ORDER OF BUSINESS.** At all regular meetings, the order of business shall be according to the tentative agenda prepared by the City Clerk and ~~mailed~~ provided to the Mayor and each member of the Common Council no later than the Friday preceding the regular meeting. The order of business of Council meetings, unless temporarily suspended by unanimous vote or by two-thirds (2/3) vote, shall be as follows, if there are no objections:
 - (1) Call to order.
 - (2) Pledge of Allegiance.
 - (3) Roll Call/Excused Absences.
 - (4) ~~Minutes to Approve/Minutes and Communications to Receive.~~ Public Hearing
 - (5) Public Comment on any matters of concern to the City (five (5) minute time limit for each person).
 - (6) ~~Appointments.~~ Report of Department Heads/Staff/Consultants
(Minutes to receive and Communications)
 - (7) ~~Claims against the City- Consent Agenda~~
 - (8) ~~Report of Department Heads/Staff/Consultants.~~ Items Removed from Consent Agenda
 - (9) ~~Report of Committees, Boards and Commissions.~~ Action Items
 - (10) Ordinances and resolutions.
 - (11) ~~Held Over Business. Subject matter must be specifically itemized on the agenda or no action may be taken until the succeeding meeting, except in emergencies.~~ Appointments.
 - (12) ~~Council Directives.~~ Held Over Business
 - (13) ~~Citizen Reprise (people from the gallery to be heard, only pertaining to matters on the agenda; five (5) minute time limit for each person).~~ Claims against the City
 - (14) ~~Adjournment.~~ Citizen Reprise (people from the gallery to be heard, only pertaining to matters on the agenda; five (5) minute time limit for each person).
 - (15) Adjournment.
- (b) **ORDER TO BE FOLLOWED; CITIZEN COMMENTS.** No business shall be taken up out of order unless by unanimous consent of all aldermen and in the absence of any debate whatsoever. The Parliamentarian shall enforce the time limit on the length of time citizens may address the Council.
- (c) **REVIEW OF MINUTES.** ~~Immediately after the Council is called to order, the President of the Council shall move that all minutes of all boards, commissions and committees filed with the City Clerk since the last council meeting be received and placed on file. If an Alderman objects he may ask that certain minutes be deleted from the foregoing motion and it shall immediately become the second order of business. Where a paragraph required specific Council action, any Alderman may move that the council specifically subscribe to (or reject or lay over) the recommendation of the paragraph in the minutes. It shall be the duty of the city Clerk to enter in the official minute book of the Common Council the specific items that the Common Council acted upon in language so ascertainable that recourse to the actual minutes will not have to be resorted to.~~
- (d) **ROLL CALL; PROCEDURE WHEN QUORUM LACKING.** As soon as the Council shall be called to order, the City Clerk shall proceed to call the names of the members, noting who are present and who are absent and record the same in the proceedings of the Council. If it shall appear that there is not a quorum present, the fact shall be entered on the journal and the Council shall adjourn.

- (e) **CREATION OF THE AGENDA FOR COMMON COUNCIL MEETINGS AND COMMITTEE MEETINGS.** Members of the Council and City officers desiring a matter to be placed on the agenda shall submit the same in writing to the City Clerk, who shall be responsible for agenda preparation and distribution, not later than ~~noon~~ end of business day on the Tuesday preceding the regular meeting. Items not received by the Clerk prior to the Tuesday deadline shall require the approval of the Mayor for placement on the Council agenda or approval of the Committee Chair for placement on any Committee agenda. In no event shall any item be placed on the agenda after noon on the Thursday preceding the regular meeting unless an emergency exists. The person placing such emergency item on the agenda shall be required to file with the City Clerk a written statement as to the emergency.
- (f) No item may be included in the Common Council packet nor be listed as a communication unless it is authored ~~and contains the mailing address of the author.~~ The Clerk may reject any communication if the Clerk determines that the author ~~or addresses are~~ is not valid.

SEC. 2-2-16 INTRODUCTION OF BUSINESS, RESOLUTIONS AND ORDINANCES; DISPOSITION OF COMMUNICATIONS.

- (a) **ORDINANCES TO BE IN WRITING.** Ordinances can only be introduced by the request of the Mayor, any Alderman, standing or special committees of the Common Council. All ordinances submitted to the Council shall be in writing and shall begin with a brief statement of the subject matter, a title and the name of the Alderman or Mayor introducing the same. Any written material introduced may be referred to the appropriate committee pursuant to Section 2-2-5. Any member of the Council may require the reading in full of any ordinance or resolution at any time it is before the Council.
- (b) **HOW INTRODUCED.** The Mayor or any Alderman may introduce an ordinance at any Council meeting simply by stating, "I desire to introduce the following ordinance." An ordinance may also be introduced by the Mayor or an Alderman directing the City Attorney to draft such ordinance and file it with the Clerk to be placed on the next Council agenda. The Clerk shall cause such proposed ordinance to be printed in the official City newspaper if any Alderman so requests. Such notice shall state the date the proposed ordinance will be considered by the Council or any committee. The public will be permitted to address the Council or any committee when the Council or committee considers any such ordinance. A specific public hearing shall be scheduled to consider any such ordinance upon request of any Council member. No second is required to introduce any ordinance, to request its publication, or to request a public hearing.
- (c) **SUBJECT AND NUMBERING OF ORDINANCES.** Each ordinance shall be related to no more than one (1) subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.
- (d) **NOTICE.**
- (1) The Common Council may take action on an ordinance only if it appears on the written agenda for the meeting at which action is requested.
 - (2) a. No ordinance may be passed by the Common Council until the next Council meeting following its introduction at either a Committee or Council level. When said ordinance on its face does not adequately advise the public of its contents, the City Attorney shall add a brief note of explanation.
 - b. Any Alderman may request that any issue be held for two weeks in addition to the requirements of sec. 2-2-16 (d)(2)a. When so requested, the Mayor shall inquire as to whether another Alderman also wished the hold. If another Alderman does so request, the issue shall be placed on the agenda of the next regularly scheduled meeting. Once invoked, no other Alderman may attempt to use this procedure to delay any action. Any further delay requires a majority vote of the Common Council or Committee. An issue held in Committee may not be held in the Common Council, an item held in the Common Council may not be held in Committee. Any request to hold must be made before the beginning of debate on the issue.
 - c. This Section shall not apply if such holding results in the item being moot because of any other deadline imposed by some other party or organization outside the control of the City.

- d. Any resolution may be acted upon at the meeting at which it is introduced unless one alderman holds such resolution until the succeeding Council meeting. This delay may only be used one time for any resolution.
- (e) **SUSPENSION OF RULE.** Whenever the Common Council decides to waive the rule pertaining to ordinances or resolutions as provided in this Section, it may do so by suspension of its rules requiring a two-thirds (2/3) vote of all the Aldermen.
- (f) **SPECIAL RULES PERTAINING TO RESOLUTIONS AND MAYOR'S APPOINTMENTS**
 - (1) Resolutions and Mayor's appointments may be introduced by the Mayor or any member of the Common Council provided the Mayor and the Common Council receive advance notice. Advance notice shall consist of placing the resolution or Mayor's appointment in the Aldermen's boxes in the City Hall by at least the ~~Friday~~ Thursday before the Common Council meets or by ~~giving it to the Police Department on a Friday for delivery to the Mayor's or Aldermen's homes or place of business, having it available for pick up by the Aldermen at the Police Department.~~ Giving such a resolution or Mayor's appointment to the Police Department is prima facie evidence that the Aldermen received said resolution or Mayor's appointment.
 - (2) The advance notice requirement for resolutions under this Subsection shall not apply to matters in which the State Statutes set a time limit within which the Common Council can act on the subject matter of the resolution or matters related to it or when a public hearing is required by State Statutes.

SEC. 2-2-17 CONDUCT OF DELIBERATIONS.

- (a) A roll call shall not be necessary on any questions or motions except as follows:
 - (1) When the ayes and nays are requested by any member.
 - (2) When required by the State Statutes of Wisconsin or this Code of Ordinances.
- (b) All aye and nay votes shall be recorded in the official minutes.
- (c) Except as provided below, the Common Council shall in all other respects determine the rules of its procedure, which shall be governed by Robert's Rules of Order (Newly Revised 1990), which is hereby incorporated by reference, unless otherwise provided by ordinance or Statute, except when otherwise limited or modified by this Code of Ordinances;
 - (1) No Alderman shall address the Council until ~~he has been~~ recognized by the presiding officer. ~~He~~They shall thereupon address ~~himself~~ themselves to the presiding officer and confine ~~his~~ their remarks to the question under discussion.
 - (2) When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
 - (3) The Mayor shall not vote except in the case of a tie. When the Mayor does vote in case of a tie, ~~his~~ the Mayor's vote shall be counted in determining whether a sufficient number of the Council has voted favorably or unfavorably on any measure. A majority vote of all members of the Council in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval, unless a larger number is required by ordinance or State Statute. Except as otherwise provided, a majority vote of those present shall prevail in other cases.
 - (4) Any member of the Council may demand an aye and nay vote on any matter, and all aye and nay votes shall be recorded in the journal. The Clerk shall rotate the order in which the roll is called on a per-meeting basis. On confirmation of appointments and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the City or any fund thereof, the vote shall be by ayes and nays. A member of the Council may not change ~~his~~ their vote on any question after the result has been announced.
 - (5) When a question is under discussion, the following motions shall have precedence in the order listed:
 - a. To adjourn.
 - b. To recess.
 - c. To lay on the table.
 - d. To move the previous question.
 - e. To postpone to a day certain.
 - f. To refer to a committee.
 - g. To amend.
 - h. To postpone indefinitely.

State Law Reference: Section 62.11, Wis. Stats.

SEC. 2-2-18 RECONSIDERATION OF QUESTIONS.

- (a) **WHEN MOTION MADE.** A motion for reconsideration can be made on any matter before the Common Council by a member who voted with the prevailing side. It must be made on the day the Common Council acted or at the next regular meeting. It does not require a second.
- (b) **EFFECT OF MOTION TO RECONSIDER.** When a member who voted with the prevailing side moves to reconsider, such matter is automatically placed at the head of the calendar at the next Council meeting unless any member, whether he voted with the prevailing side or not, makes a motion to suspend the rules and take up the matter at this time. This is a non-debatable motion and requires a two-thirds (2/3) vote of the members present. The effect of a motion to reconsider shall be to put the matter back in its original condition or status before the main motion was voted upon.
- (c) **WHEN RECONSIDERATION CANNOT BE HELD.** Whenever the Council takes an action and something is done which cannot be undone by a motion to reconsider, such as a property right or where money has exchanged hands or other consideration given, such a motion is invalid.
- (d) **TIMES IN WHICH RECONSIDERATION CAN BE MADE.** With the exception of the limitations set forth in the previous Section, a motion to reconsider can be made on the same issue as many times until such motion fails.
- (e) **CLERK'S DUTIES.** When a motion to reconsider is brought before the body, the Clerk shall state the question, "Will the Council reconsider the votes by which this body said _____." "As many as in favor of reconsideration, say aye, those opposed, say no."
- (f) **LEAVE TO WITHDRAW.** A request for leave to withdraw a motion to reconsider does not require a second. It must be made by the original mover, and the mover may withdraw the same up to the point where the Clerk states the question.

SEC. 2-2- 19 COORDINATION OF COMMON COUNCIL MEETINGS AND COMMITTEE MEETINGS

- (a) All Common Council meetings will start at 6:00 p.m. on the first and third Mondays of the month, except for the annual organizational meeting or any special meetings. If a legal holiday falls on a regularly scheduled meeting day, the meeting will be held on the subsequent Tuesday.
- (b) Committee meetings will be scheduled to start at the conclusion of the Common Council meeting. The order of the Committee meetings will be determined at the agenda meeting by the Clerk and the Mayor.
- (c) The Common Council agenda will be limited:
 - 1. Items considered at the previous Committee meetings.
 - 2. Items not required to be reviewed by Committee as determined by the Common Council, such as accounts payable, appointments or liquor licenses. This list may be expanded by majority vote of the Common Council.
 - 3. A consent agenda will be created on each agenda with items that may be moved and considered in one motion and vote. Any Alderman may remove any item from the consent agenda to be taken up later in that meeting. The vote on consent agenda items shall be done by roll call. The Clerk and the Mayor will create the consent agenda after the agenda meeting.
- (d) Persons addressing the Common council during the two public participation forums or at any public hearing shall be required to state their name and address before addressing the Common Council or Committee. A sign-up sheet will also be provided for those persons who do speak to sign in. The Police Chief or designee shall keep time and shall enforce the five minute limit for public participation.
- (e) The appropriate Department Head will draft an explanation sheet that shall accompany any required notice to residents of any Public Hearing. The explanation sheet shall also be attached to the Public Hearing agenda. A brief explanation of the requested action shall be made by the appropriate Department Head at the Public Hearing. An explanation sheet as to the rules for any Public Hearing will be attached to the Public Hearing notice.

(f) All persons, including the Mayor, Common Council members, Department Heads, City staff and the general public who choose to participate in any Common Council meeting, Committee meeting or Public Hearing shall do so with civility. It is the responsibility of the Chair of any meeting to insure compliance with this rule.

SECTION 2: This ordinance shall supplement all other ordinances or rules of the Common Council. This ordinance shall apply in the event of any conflict with other ordinances or rules.

SECTION 3: This ordinance shall become effective upon its passage and publication as provided by law.

Passed and approved this day of 2011.

Donald Merkes, Mayor

ATTEST:

Deborah A. Galeazzi, City Clerk



Memorandum

DATE: June 16, 2011

TO: Board of Public Works

FROM: Mark Radtke, Director of Public Works *MR*

RE: Resolution R-25-11 Acknowledging Review of City of Menasha 2010 Compliance Maintenance Annual Report under Wisconsin Administrative Code NR 208

Attached is the 2010 City of Menasha Compliance Maintenance Annual Report (CMAR) for your review and approval prior to submittal to WisDNR. This annually submitted report details the City's activities and policies regarding its sanitary sewer system. The 2010 report indicates an "A" grade for the financial system portion and a failing grade for our collection system portion of the CMAR. Because of the failing grade, we need to adopt a resolution indicating the City's acknowledgement of the status and support for improvements to the system to address the failing grade.

The failing grade is a result of two bypass occasions last year resulting from extremely heavy rainfall events. In order to minimize basement backups during those events, the City chose to pump sewerage from the sanitary system to the storm sewer system, which action is deemed a "bypass" event per WisDNR. It should be noted there were several other area communities that also bypassed during those two events. Because of other bypass occurrences in previous years, the City was required to enter into a Compliance Agreement with WisDNR in 2008 stipulating various necessary improvements in accordance with a schedule agreed upon by the City and WisDNR.

The City is still operating within the terms of the Compliance Agreement, and as long as we stay in compliance, further action from WisDNR is avoided. The City has made significant investments in sewer system improvements in recent years in order to reduce infiltration and inflow within the system, resulting in increased sewer user charges. We continue to evaluate our system to identify sewer system defects and other possible sources of infiltration and inflow as a means to avoid future bypass occurrences.

Attachment

RESOLUTION R-25-11

A RESOLUTION ACKNOWLEDGING REVIEW OF CITY OF MENASHA 2010 COMPLIANCE MAINTENANCE ANNUAL REPORT UNDER WISCONSIN ADMINISTRATIVE CODE NR 208

Introduced by Ald. Taylor

WHEREAS, it is a requirement under a Wisconsin Pollutant Discharge Elimination System (WPDES) permit issued by the Wisconsin Department of Natural Resources to file Compliance Maintenance Annual Report (CMAR) for it's wastewater collection system under Wisconsin Administrative Code NR 208; and

WHEREAS, it is necessary to acknowledge that the governing body has reviewed the Compliance Maintenance Annual Report (CMAR); and

WHEREAS, it is necessary to provide recommendations or an action response plan for all individual CMAR section grades of "C" or less and/or an overall grade point average <3.00;

NOW, THEREFORE BE IT RESOLVED by the Mayor and the Common Council of the City of Menasha concurring, that in response to the "F" grade for the Collection section of the 2010 CMAR, the City of Menasha acknowledges actions are necessary to minimize future sanitary sewer overflows and will abide by the terms of the December 22, 2008 Compliance Agreement and subsequent revisions executed between the Department of Natural Resources and the City of Menasha to address the violations to WPDES Permit WI-0047341-04.

Passed and approved this ____ day of July, 2011.

Donald J. Merkes, Mayor

ATTEST: _____
Deborah A. Galeazzi, City Clerk

COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Menasha City

Last Updated:
6/15/2011

Reporting Year: 2010

Financial Management

	Questions	Points						
1.	Person Providing This Financial Information							
	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Name:</td> <td style="border: 1px solid black; padding: 2px;">Thomas Stoffel</td> </tr> <tr> <td>Telephone:</td> <td style="border: 1px solid black; padding: 2px;">(920) 967-3630</td> </tr> <tr> <td>E-Mail Address(optional):</td> <td style="border: 1px solid black; padding: 2px;">tstoffel@ci.menasha.wi.us</td> </tr> </table>	Name:	Thomas Stoffel	Telephone:	(920) 967-3630	E-Mail Address(optional):	tstoffel@ci.menasha.wi.us	
Name:	Thomas Stoffel							
Telephone:	(920) 967-3630							
E-Mail Address(optional):	tstoffel@ci.menasha.wi.us							
2.	Are User Charge or other Revenues sufficient to cover O&M Expenses for your wastewater treatment plant AND/OR collection system ?	0						
	<p> <input checked="" type="radio"/> Yes (0 points) <input type="radio"/> No (40 points) </p> <p>If No, please explain:</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>							
3.	When was the User Charge System or other revenue source(s) last reviewed and/or revised? Year: 2010	0						
	<p> <input checked="" type="radio"/> 0-2 years ago (0 points) <input type="radio"/> 3 or more years ago (20 points) <input type="radio"/> Not Applicable (Private Facility) </p>							
4.	Did you have a special account (e.g., CWF required segregated Replacement Fund, etc.) or financial resources available for repairing or replacing equipment for your wastewater treatment plant and/or collection system?	0						
	<p> <input checked="" type="radio"/> Yes <input type="radio"/> No (40 points) </p>							
REPLACEMENT FUNDS(PUBLIC MUNICIPAL FACILITIES SHALL COMPLETE QUESTION 5)								
5.	Equipment Replacement Funds							
	5.1 When was the Equipment Replacement Fund last reviewed and/or revised? Year: 2010	0						
	<p> <input checked="" type="radio"/> 1-2 years ago (0 points) <input type="radio"/> 3 or more years ago (20 points) <input type="radio"/> Not Applicable Explain: </p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>							
	5.2 What amount is in your Replacement Fund?							
	Equipment Replacement Fund Activity							
	5.2.1 Ending Balance Reported on Last Year's CMAR:	\$50,000.00						
	5.2.2 Adjustments if necessary (e.g., earned interest, audit correction, withdrawal of excess funds, increase making up previous shortfall, etc.)	+ \$10,000.00						
	5.2.3 Adjusted January 1st Beginning Balance	\$60,000.00						

COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Menasha City	Last Updated: 6/15/2011	Reporting Year: 2010
------------------------------------	--------------------------------	-----------------------------

Financial Management (Continued)

	5.2.4 Additions to Fund (e.g., portion of User Fee, earned interest, etc.) + \$0.00 5.2.5 Subtractions from Fund (e.g., equipment replacement, major repairs - use description box 5.2.5.1 below*) - \$0.00 5.2.6 Ending Balance as of December 31st for CMAR Reporting Year \$60,000.00							
	(All Sources: This ending balance should include all Equipment Replacement Funds whether held in a bank account(s), certificate(s) of deposit, etc.) *5.2.5.1. Indicate adjustments, equipment purchases and/or major repairs from 5.2.5 above <div style="border: 1px solid black; height: 20px; width: 60%; margin-left: 20px;"></div>							
	5.3 What amount should be in your replacement fund? \$60,000.00 (If you had a CWFP loan, this amount was originally based on the Financial Assistance Agreement (FAA) and should be regularly updated as needed. Further calculation instructions and an example can be found by clicking the HELP option button.)							
	5.3.1 Is the Dec. 31 Ending Balance in your Replacement Fund above (#5.2.6) equal to or greater than the amount that should be in it(#5.3)? <input checked="" type="radio"/> Yes <input type="radio"/> No Explain: <div style="border: 1px solid black; height: 20px; width: 60%; margin-left: 20px;"></div>							
6.	Future Planning							
	6.1 During the next ten years, will you be involved in formal planning for upgrading, rehabilitating or new construction of your treatment facility or collection system? <input type="radio"/> Yes (If yes, please provide major project information, if not already listed below) <input checked="" type="radio"/> No							
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;">Project Description</th> <th style="width: 15%;">Estimated Cost</th> <th style="width: 25%;">Approximate Construction Year</th> </tr> </thead> <tbody> <tr> <td style="height: 30px;"></td> <td></td> <td></td> </tr> </tbody> </table>	Project Description	Estimated Cost	Approximate Construction Year				
Project Description	Estimated Cost	Approximate Construction Year						
7.	Financial Management General Comments:							
	<div style="border: 1px solid black; padding: 5px;"> The City has a CWFP recommendation of \$10,000 deposits to our replacement fund. These payments started in 2005 and reflect funds necessary to replace, or make major repairs to, our four lift stations in the system. Also, we are still awaiting resolution of a pending lawsuit regarding Fox River PCBs. There is the potential for the outcome to render our current user charge insufficient to cover possible additional costs assessed via the judgement. </div>							

COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Menasha City

Last Updated:
6/15/2011

Reporting Year: 2010

Financial Management (Continued)

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Menasha City

Last Updated:
6/15/2011

Reporting Year: 2010

Sanitary Sewer Collection Systems

	Questions	Points
1.	Do you have a Capacity, Management, Operation & Maintenance(CMOM) requirement in your WPDES permit?	
	<input type="radio"/> Yes <input checked="" type="radio"/> No	
2.	Did you have a <u>documented</u> (written records/files, computer files, video tapes, etc.) sanitary sewer collection system operation & maintenance or CMOM program last calendar year?	0
	<input checked="" type="radio"/> Yes (go to question 3) <input type="radio"/> No (30 points) (go to question 4)	
3.	Check the elements listed below that are included in your Operation and Maintenance (O&M) or CMOM program.:	
	<div style="margin-left: 20px;"> <input type="checkbox"/> Goals: Describe the specific goals you have for your collection system: <input checked="" type="checkbox"/> Organization: Do you have the following written organizational elements (check only those that you have): <ul style="list-style-type: none"> <input type="checkbox"/> Ownership and governing body description <input checked="" type="checkbox"/> Organizational chart <input checked="" type="checkbox"/> Personnel and position descriptions <input type="checkbox"/> Internal communication procedures <input type="checkbox"/> Public information and education program <input checked="" type="checkbox"/> Legal Authority: Do you have the legal authority for the following (check only those that apply): <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Sewer use ordinance Last Revised MM/DD/YYYY 11/01/2004 <input type="checkbox"/> Pretreatment/Industrial control Programs <input checked="" type="checkbox"/> Fat, Oil and Grease control <input checked="" type="checkbox"/> Illicit discharges (commercial, industrial) <input checked="" type="checkbox"/> Private property clear water (sump pumps, roof or foundation drains, etc) <input type="checkbox"/> Private lateral inspections/repairs <input type="checkbox"/> Service and management agreements <input checked="" type="checkbox"/> Maintenance Activities: details in Question 4 <input checked="" type="checkbox"/> Design and Performance Provisions: How do you ensure that your sewer system is designed and constructed properly? <ul style="list-style-type: none"> <input checked="" type="checkbox"/> State plumbing code <input checked="" type="checkbox"/> DNR NR 110 standards <input checked="" type="checkbox"/> Local municipal code requirements <input checked="" type="checkbox"/> Construction, inspection and testing <input type="checkbox"/> Others: </div>	

COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Menasha City

**Last Updated:
6/15/2011**

Reporting Year: 2010

Sanitary Sewer Collection Systems (Continued)

	<p><input checked="" type="checkbox"/> Overflow Emergency Response Plan: Does your emergency response capability include (check only those that you have):</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Alarm system and routine testing <input checked="" type="checkbox"/> Emergency equipment <input checked="" type="checkbox"/> Emergency procedures <input checked="" type="checkbox"/> Communications/Notifications (DNR, Internal, Public, Media etc) <p><input checked="" type="checkbox"/> Capacity Assurance: How well do you know your sewer system? Do you have the following?</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Current and up-to-date sewer map <input checked="" type="checkbox"/> Sewer system plans and specifications <input checked="" type="checkbox"/> Manhole location map <input checked="" type="checkbox"/> Lift station pump and wet well capacity information <input checked="" type="checkbox"/> Lift station O&M manuals <p>Within your sewer system have you identified the following?</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Areas with flat sewers <input checked="" type="checkbox"/> Areas with surcharging <input checked="" type="checkbox"/> Areas with bottlenecks or constrictions <input checked="" type="checkbox"/> Areas with chronic basement backups or SSO's <input checked="" type="checkbox"/> Areas with excess debris, solids or grease accumulation <input type="checkbox"/> Areas with heavy root growth <input checked="" type="checkbox"/> Areas with excessive infiltration/inflow (I/I) <input checked="" type="checkbox"/> Sewers with severe defects that affect flow capacity <input checked="" type="checkbox"/> Adequacy of capacity for new connections <input checked="" type="checkbox"/> Lift station capacity and/or pumping problems <p><input type="checkbox"/> Annual Self-Auditing of your O&M/CMOM Program to ensure above components are being implemented, evaluated, and re-prioritized as needed.</p> <p><input checked="" type="checkbox"/> Special Studies Last Year (check only if applicable):</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Infiltration/Inflow (I/I) Analysis <input checked="" type="checkbox"/> Sewer System Evaluation Survey (SSES) <input type="checkbox"/> Sewer Evaluation and Capacity Management Plan (SECAP) <input type="checkbox"/> Lift Station Evaluation Report <input checked="" type="checkbox"/> Others: <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>We continued with Phase 4 (of 4) of our citywide SSES program to identify I/I sources and sewer system defects.</p> </div>	
--	--	--

4. Did your sanitary sewer collection system maintenance program include the following maintenance activities? Complete all that apply and indicate the amount maintained:

Cleaning	75	% of system/year
Root Removal	0	% of system/year
Flow Monitoring	2	% of system/year
Smoke Testing	0	% of system/year

COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Menasha City

**Last Updated:
6/15/2011**

Reporting Year: 2010

Sanitary Sewer Collection Systems (Continued)

Sewer Line Televising	<input style="width: 50px;" type="text" value="5"/>	% of system/year
Manhole Inspections	<input style="width: 50px;" type="text" value="5"/>	% of system/year
Lift Station O&M	<input style="width: 50px;" type="text" value="1"/>	# per L.S/year
Manhole Rehabilitation	<input style="width: 50px;" type="text" value="1"/>	% of manholes rehabed
Mainline Rehabilitation	<input style="width: 50px;" type="text" value="0"/>	% of sewer lines rehabed
Private Sewer Inspections	<input style="width: 50px;" type="text" value="2"/>	% of system/year
Private Sewer I/I Removal	<input style="width: 50px;" type="text" value="1"/>	% of private services
Please include additional comments about your sanitary sewer collection system below:		

5. Provide the following collection system and flow information for the past year:

<input style="width: 80px;" type="text" value="27.55"/>	Total Actual Amount of Precipitation Last Year
<input style="width: 80px;" type="text" value="31"/>	Annual Average Precipitation (for your location)
<input style="width: 80px;" type="text" value="54.3"/>	Miles of Sanitary Sewer
<input style="width: 80px;" type="text" value="4"/>	Number of Lift Stations
<input style="width: 80px;" type="text" value="0"/>	Number of Lift Station Failure
<input style="width: 80px;" type="text" value="0"/>	Number of Sewer Pipe Failures
<input style="width: 80px;" type="text" value="16"/>	Number of Basement Backup Occurrences
<input style="width: 80px;" type="text" value="20"/>	Number of Complaints
<input style="width: 80px;" type="text" value="2.852"/>	Average Daily Flow in MGD

COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Menasha City

Last Updated:
6/15/2011

Reporting Year: 2010

Sanitary Sewer Collection Systems (Continued)

4.82	Peak Monthly Flow in MGD(if available)
	Peak Hourly Flow in MGD(if available)

COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Menasha City

**Last Updated:
6/15/2011**

Reporting Year: 2010

Sanitary Sewer Collection Systems (Continued)

NUMBER OF SANITARY SEWER OVERFLOWS (SSO) REPORTED (10 POINTS PER OCCURRENCE)					90
	Date	Location	Cause	Estimated Volume (MG)	
1.	7/22/2010 4:30:00 PM to 7/23/2010 2:30:00 AM	Seventh St and Ida Street	Rain, Flooding	0.455	
2.	7/22/2010 4:30:00 PM to 7/23/2010 6:00:00 AM	Keyes St. and Park St.	Rain, Flooding	0.185	
3.	7/22/2010 4:30:00 PM to 7/23/2010 2:30:00 AM	Fifth Street and London Street	Rain, Flooding	0.225	
4.	7/22/2010 4:00:00 PM to 7/22/2010 9:30:00 PM	Ninth Street and Elmwood Drive - intermittent discharge	Rain, Flooding	0.05	
5.	8/11/2010 8:00:00 AM to 8/11/2010 12:50:00 PM	Keyes Street and Park Street	Rain	0.145	
6.	8/11/2010 8:00:00 AM to 8/11/2010 12:50:00 PM	Seventh Street and Ida Street	Rain	0.145	
7.	8/11/2010 8:00:00 AM to 8/11/2010 12:50:00 PM	Fifth Street and London Street	Rain	0.145	
8.	8/11/2010 7:40:00 AM to 8/11/2010 12:30:00 PM	Ninth Street and Elmwood Drive (intermittent discharge)	Rain	0.079	
9.	8/11/2010 7:30:00 AM to 8/11/2010 10:30:00 AM	Lakecrest Drive	Rain	0.06	
<p>Were there SSOs that occurred last year that are not listed above?</p> <p style="margin-left: 20px;"> <input type="radio"/> Yes <input checked="" type="radio"/> No </p> <p>If Yes, list the SSOs that occurred:</p> <div style="border: 1px solid black; height: 20px; width: 600px; margin-left: 20px;"></div>					
<p>PERFORMANCE INDICATORS</p> <p><input style="width: 50px;" type="text" value="0.00"/> Lift Station Failures(failures/ps/year)</p> <p><input style="width: 50px;" type="text" value="0.00"/> Sewer Pipe Failures(pipe failures/sewer mile/yr)</p> <p><input style="width: 50px;" type="text" value="0.17"/> Sanitary Sewer Overflows (number/sewer mile/yr)</p>					

COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Menasha City

**Last Updated:
6/15/2011**

Reporting Year: 2010

Sanitary Sewer Collection Systems (Continued)

	0.29	Basement Backups(number/sewer mile)	
	0.37	Complaints (number/sewer mile)	
	1.7	Peaking Factor Ratio (Peak Monthly:Annual Daily Average)	
	0.0	Peaking Factor Ratio(Peak Hourly:Annual daily Average)	
6.	Was infiltration/inflow(I/I) significant in your community last year?		
	<input checked="" type="radio"/> Yes <input type="radio"/> No If Yes, please describe: <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">We had two heavy rain events resulting in system surcharge conditions caused by system I/I.</div>		
7.	Has infiltration/inflow and resultant high flows affected performance or created problems in your collection system, lift stations, or treatment plant at any time in the past year?		
	<input checked="" type="radio"/> Yes <input type="radio"/> No If Yes, please describe: <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">See answer to #6 above.</div>		
8.	Explain any infiltration/inflow(I/I) changes this year from previous years?		
	<div style="border: 1px solid black; padding: 5px; margin-top: 5px;">Generally, our I/I has been reduced from past years according to NMSC records, but we experienced two major rainfall events that resulted in system overload that I think were due mainly to the sheer magnitude and intensity of the rain events.</div>		
9.	What is being done to address infiltration/inflow in your collection system?		
	<div style="border: 1px solid black; padding: 5px; margin-top: 5px;">We continued implementation of the citywide SSES program. We conducted flow monitoring operations in our high flow sections to identify the sources and limits of the excessive I/I. The private foundation drain cross connection elimination program was continued.</div>		

COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Menasha City

Last Updated:
6/15/2011

Reporting Year: 2010

Sanitary Sewer Collection Systems (Continued)

Total Points Generated	90
Score (100 - Total Points Generated)	10
Section Grade	F

COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Menasha City

Last Updated:

Reporting Year: 2010

WPDES No.0047341

GRADING SUMMARY				
SECTION	LETTER GRADE	GRADE POINTS	WEIGHTING FACTORS	SECTION POINTS
Financial Management	A	4.0	1	4
Collection Systems	F	0.0	3	0
TOTALS			4	4
GRADE POINT AVERAGE(GPA)=1.00		1.00		

Notes:

- A = Voluntary Range
- B = Voluntary Range
- C = Recommendation Range (Response Required)
- D = Action Range (Response Required)
- F = Action Range (Response Required)

RESOLUTION R-26-11

RESOLUTION TO APPLY FOR MATCHING GRANT FUNDS FOR THE GILBERT SITE THROUGH THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES

Introduced by Ald. Langdon

WHEREAS, through the Gilbert Mill Shoreline Restoration & Trail Project (Project), the City of Menasha desires both economic redevelopment and public recreation to occur at the Gilbert site; and,

WHEREAS, as part of the Project, the City of Menasha is interested in acquiring or developing land along the Fox River for outdoor recreation, including a pedestrian trail to be or as described in its application for matching grant funds; and,

WHEREAS, the City of Menasha is desirous of securing financial aid from the Wisconsin Department of Natural Resources (WDNR) to carry out the Project; and,

WHEREAS, the City of Menasha has funding sources in place representing the required matching portion or the City of Menasha's contribution necessary to secure WDNR financial aid, including but not limited to: donated riverfront property and force account labor to sufficiently complete the Project; and,

WHEREAS, the City of Menasha will comply with State or Federal rules for the programs to the general public during reasonable hours consistent with the type of facility; and will obtain from the State of Wisconsin Department of Natural Resources or the National Park Service approval in writing before any change is made in the use of the project site.

NOW, THEREFORE BE IT RESOLVED that Brian Tungate, Department of Parks and Recreation Director, is authorized to act on the behalf of the City of Menasha to:

Submit an application to the State Department of Natural Resources for any financial aid that may be available;

Submit reimbursement claims along with necessary supporting documentation within 6 months of the project completion date;

Submit signed documents; and,

Take necessary action to undertake, direct and complete the approved Project.

Passed and approved this _____ day of _____, 2011.

Donald Merkes, Mayor

Deborah A. Galeazzi, City Clerk

I hereby certify that the foregoing resolution was duly adopted by the Menasha Common Council at a legal meeting on July 5, 2011.

**RESOLUTION REGARDING PICK-UP OF
EMPLOYEE RETIREMENT CONTRIBUTIONS PURSUANT TO
SECTION 414(h)(2) OF THE INTERNAL REVENUE CODE**

Introduced by Mayor Merkes

WHEREAS, Internal Revenue Code (“Code”) § 414(h)(2) permits public employers to “pick up” contributions to a governmental pension plan that are designated as employee contributions so that they may be taken from employees’ pay on a pre-tax basis and thereby be excluded from an employee’s taxable income, provided the contributions are paid by the employer in lieu of contributions by the employee, and the employee may not elect, directly or indirectly, to receive the amounts in cash instead of having them paid by the employer; and,

WHEREAS, the Common Council (“Council”) of the City of Menasha (“City”) has determined that taking action to adopt a “pick-up” as described in this resolution does not increase the City’s cost of funding the retirement benefits owed to the Wisconsin Retirement System (The “WRS”) and the City chooses to take this action in order to allow covered employees to exclude such amounts from their taxable income pursuant to Code § 414(h)(2); and,

WHEREAS, the City desires to “pick up” WRS contributions for its employees who become required by law, pursuant to a collective bargaining agreement or by action of the Council to pay one-half or any other portion of the required contributions to the WRS.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Pursuant to Code § 414(h)(2), Internal Revenue Service (“IRS”) Revenue Ruling 2006-43 and the terms of this resolution, the City hereby elects to pick up all contributions designated as employee contributions that its covered employees owe to the WRS by paying such amounts in lieu of employee contributions.
2. All contributions that are designated as employee contributions to the WRS will be paid by the City in accordance with the rules of Code § 414(h)(2). These pick-up contributions will be withheld from employee wages as a condition of employment with no individual discretion by employees to have some other amount withheld or to opt out of having such amounts withheld.
3. Amounts picked up the City shall be paid from the same source of funds as used in paying the wages of the affected employees.
4. Amounts picked up by the City shall be treated for all purposes, other than taxation on gross income, in the same manner and to the same extent as employee contributions made prior to the effective date of this resolution.
5. The terms of this resolution shall be operative only so long as public employer pick-ups of employee retirement contributions continue to be excludable from employee gross income under the Internal Revenue Code and related guidance from the IRS.
6. The City makes no representations or guarantees regarding the tax or financial consequences of employer pick-ups to any particular employee contributing to the WRS and hereby notifies all such employees to seek, at their own expense, appropriate financial, legal or tax advice with respect to their particular financial questions or situation.

7. The terms of this resolution shall become effective on the effective date and publication by the Secretary of State of the State of Wisconsin 2011 Wisconsin Act 10 or on the date on which any collective bargaining agreement or action of the Council requires employees to pay any portion of the required contribution to the WRS, whichever is earliest, but in no event any earlier than the date the Council adopts this resolution and contributions to WRS made prior to the terms of this resolution becoming effective shall not be subject to these provisions.

Passed and approved this day of , 2011.

Donald Merkes, Mayor

ATTEST: _____
Deborah A. Galeazzi, City Clerk

RESOLUTION R-28-11

A RESOLUTION RELATING TO REDISTRICTING

Introduced by Alderman Englebert

WHEREAS, the decennial census of 2010 has been received by the City of Menasha; and

WHEREAS, the principal of one-man, one-vote requires a municipality to adjust its ward lines and aldermanic districts so as to insure as close as possible equal representation; and

WHEREAS, the interest of the City of Menasha are to conform its Aldermanic District with Winnebago and Calumet Counties Supervisory Districts; and

WHEREAS, Wisconsin law requires municipalities with population of less than 35,000 to combine wards for the purpose of municipal reporting of election results only if the municipality has adopted a resolution authorizing that combination; and

WHEREAS, it is in the best interest of the City of Menasha to conform it's Aldermanic Districts such that each Alderman represent one Aldermanic District; and

WHEREAS, such plan has been recommended by the Redistricting Committee.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Menasha City Clerk shall report election results for all elections by Wards 1 and 2 into Aldermanic District 1; Wards 3 and 4 into Aldermanic District 2; Wards 7 and 8 into Aldermanic District 3; Wards 5 and 6 into Aldermanic District 4; Wards 9 and 12 into Aldermanic District 5; Wards 10 and 14 into Aldermanic District 6; Wards 11 and 13 into Aldermanic District 7. Such election results shall be reported to Winnebago County.
2. The election results for Wards 15 and 16 into Aldermanic District 6; Wards 17 and 18 into Aldermanic District 8 shall be reported to Calumet County.
3. The City shall be divided into 8 Aldermanic Districts with one Alderman representing each District.
4. The City Attorney shall prepare Ordinances establishing Wards and Aldermanic Districts for the City of Menasha consistent with this Resolution.

Passed and approved this day of , 2011.

Donald Merkes, Mayor

ATTEST: _____
Deborah A. Galeazzi, City Clerk



Memorandum

To: Common Council
From: Greg Keil, CDD, Debbie Galeazzi, Clerk
Date: June 28, 2011
RE: Proposed Redistricting Plan

On June 27, 2011 the ad-hoc Redistricting Committee recommended adoption of Resolution R-28-11 relating to redistricting. The committee's recommendation proposes the division of the city into 18 wards and eight aldermanic districts. Winnebago County is to be comprised of 14 wards and six aldermanic districts wholly within the county, a seventh aldermanic district is split between Winnebago and Calumet. Calumet County is comprised of four wards and two aldermanic districts, with one of the aldermanic districts shared with Winnebago County.

This plan was prepared under state redistricting guidelines and the tentative County Supervisory District plans adopted by Calumet and Winnebago Counties. Wisconsin statutes require that a good faith effort be made to accommodate the tentative county supervisory district plans when creating municipal wards.

Wards are to be fully contained within the county supervisory districts. The wards must fall within a population range established by state statute giving "due consideration for known trends of population increase or decrease". They must also be comprised of population counts consisting of whole blocks as delineated by the US Census Bureau. The state's redistricting guidelines further outline three principles which are to be followed in creating wards – they are to be comprised of contiguous blocks, they are to be compact, and must observe the community of interest of existing neighborhoods

Winnebago County's Supervisory District Plan created four supervisory districts, three of which contained about 4,600 people. The fourth district contained about 1,300 people. The disparity of population in Supervisory District #4 is permissible because it is balanced by the number of Town of Menasha residents in the district. Calumet County's plan created one supervisory district encompassing all of the City of Menasha in Calumet County.

The ad-hoc Redistricting Committee considered the population data and statutory redistricting guidelines in composing the recommended plan. Three issues received considerable attention as follows:

1. The relatively small population (1,342) in Winnebago Supervisory District #4 and its subsequent assignment to wards and aldermanic districts.
2. The relatively large population in Calumet Supervisory District #6 (2,356), and the prospect for substantial growth in that district.
3. The alignment of ward, aldermanic, supervisory district and school district boundaries as related to administering elections.

To address the first issue described above, the committee decided to split Winnebago County Supervisory District #4 into two wards (#10 and #14). It then decided to combine those wards with Calumet County Wards 15 and 16. These four wards are to comprise a realigned Aldermanic District #6, which would be represented by the present Aldermanic District #8 representative Kevin Benner.

Addressing the issue in this manner also affected how the second issue was dealt with. Taking population from Calumet County wards 15 and 16, and applying that to Winnebago County alleviated the excess population concern in Calumet County, while leaving room for future population growth in Calumet Wards #17 and #18. That area is expected to realize most of Menasha's population growth over the next ten years.

The third issue concerned itself with the desire to simplify the election process by consolidating districts to the extent practicable to reduce the number of ballots required to effectuate an election.

While mindful of the place of residence of existing aldermen, the committee's main focus was on adhering to the three aforementioned principles which are to guide the formation of municipal wards. One area that proved problematic with respect to aldermanic representation was in Winnebago Supervisory District #2. In this instance, the county's supervisory district plan placed three incumbent aldermen in that district. The Redistricting Committee's collective opinion was that creating a ward plan that would accommodate all three incumbent aldermen would violate the redistricting principles cited above.

Accordingly, it was decided that the recommendation would be to have proposed Wards #1 and #2 be represented by the alderman representing existing Aldermanic District #1 (Chris Klein). The balance of Winnebago Supervisory District #2 would be comprised of proposed Wards #3 and #4 encompassing proposed Aldermanic District #2. This new district would be occupied by two incumbent aldermen representing existing Aldermanic Districts #2 and #6 (Ald. Taylor and Ald. Zeliniski, respectively). Both incumbent's terms expire in April of 2012.

The Common Council has 60 days from the date of adoption of its ward plan to adopt an ordinance establishing Aldermanic District boundaries. The preceding paragraph was included in this memo to explain the implications of adopting the ward plan as recommended by the Redistricting Committee.

The ward plan created by the city must be returned to Winnebago and Calumet counties by July 17, 2011.

C: Redistricting Committee

CITY OF MENASHA, WARDS 1-18
WINNEBAGO AND CALUMET COUNTIES

District	Population	Target	Within Range	White	Hispanic	Black	American Indian	Pacific	Asian	Other	Other/mt
Menasha - C 1	1179	600 to 2100	Yes	1028	78	36	31	0	4	0	2
Menasha - C 2	1192	600 to 2100	Yes	1081	51	13	7	2	36	2	0
Menasha - C 3	1098	600 to 2100	Yes	962	71	20	24	0	17	0	4
Menasha - C 4	1147	600 to 2100	Yes	995	78	31	13	2	23	0	5
Menasha - C 5	1206	600 to 2100	Yes	1066	82	7	19	1	31	0	0
Menasha - C 6	1124	600 to 2100	Yes	1029	53	27	7	0	7	0	1
Menasha - C 7	1198	600 to 2100	Yes	1059	74	12	9	0	39	1	4
Menasha - C 8	1077	600 to 2100	Yes	967	64	18	12	0	15	1	0
Menasha - C 9	1207	600 to 2100	Yes	1108	59	14	5	0	20	1	0
Menasha - C 10	641	600 to 2100	Yes	563	37	23	3	0	9	1	5
Menasha - C 11	1157	600 to 2100	Yes	1049	60	8	6	0	34	0	0
Menasha - C 12	1101	600 to 2100	Yes	902	128	17	6	0	45	0	3
Menasha - C 13	1116	600 to 2100	Yes	847	141	54	11	2	52	1	8
Menasha - C 14	701	600 to 2100	Yes	533	140	9	4	1	14	0	0
Menasha - C 15	527	300 to 1000	Yes	477	11	7	5	0	27	0	0
Menasha - C 16	574	300 to 1000	Yes	520	38	0	1	0	12	3	0
Menasha - C 17	613	300 to 1000	Yes	558	26	7	0	0	22	0	0
Menasha - C 18	490	300 to 1000	Yes	446	13	8	3	0	19	1	0

Guidelines for Adjusting Municipal Wards Following the 2010 Federal Census

State of Wisconsin
Legislative Reference Bureau

March 2011

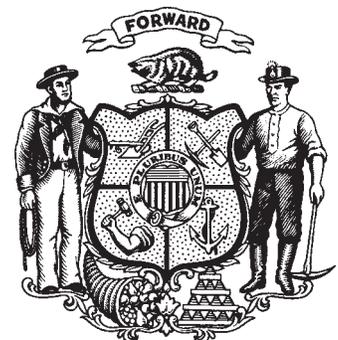


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GUIDELINES FOR ADJUSTING MUNICIPAL WARDS FOLLOWING THE 2010 FEDERAL CENSUS

This bulletin provides information on the ward subdistricting process, the statutory requirements and legal deadlines that must be met, and the relationship among state, county, and local governments in establishing and using municipal wards to form election districts.

For municipal and county clerks, this bulletin supplements the release of detailed population data reflecting the results of the 2010 decennial federal census. It provides guidance to counties and municipalities regarding adjusting ward boundaries so that wards may be combined to form election districts at every level of government.

I. WHAT IS A WARD AND HOW IS IT USED?

Definition

What we in Wisconsin call a “ward” is referred to as a “precinct” in other states or a “voting district” (vtd) by the Census Bureau. Wards do not constitute election districts from which municipal officials are elected, and thus are not subject to the “one person, one vote” requirement which governs the formation of election districts. Instead, wards are intended to serve as administrative subunits that are aggregated into election districts of equal population. Cities, villages, and towns form municipal wards by combining whole census blocks. Municipalities are required to adjust ward boundaries following the decennial federal census to conform to statutorily prescribed population ranges and meet other requirements including compactness, contiguity, and community of interest. Once established, wards serve as the building blocks used by the legislature, counties, and cities in redistricting their respective election districts.

Why Use Wards to Form Election Districts?

The initial rationale for establishing municipal wards was to give local governments the opportunity to influence the delineation of the boundaries of census tracts and enumeration districts and have a useful tool for planning purposes. As the result of enactment of federal legislation in 1975 (P.L. 94-171), municipalities were given the opportunity to receive population data for voting districts as well as census geography. The establishment of wards was made mandatory following the 1980 Census, and the legislature and courts have used those wards to form legislative districts. This is in contrast to previous legislative redistricting that relied on geographic descriptions to define the boundaries of legislative districts.

The use of locally defined wards which take into account growth patterns, communities of interest, and geography rather than the population collection units devised by the Census Bureau, provides a more meaningful building block to form election districts.

In addition, using the same wards to describe the boundaries of aldermanic, supervisory, and legislative districts aids voters and election officials.

Who Is Required to Establish Wards?

Section 5.15, Wisconsin Statutes, requires that all cities, villages, and towns with a population of 1,000 or more establish wards. Municipalities under 1,000 population may establish

wards if they choose to. In addition, a county board may request that a municipality within the county establish a ward or wards if the county board proposes to place the municipality in two or more supervisory districts. The governing body of a municipality – the common council or village or town board – is responsible for establishing ward boundaries. An ordinance or resolution describing the ward boundaries must be adopted by a majority of the members of the governing body.

Requirements for Constructing Wards

In creating wards, municipalities are required to follow the standards specified in Section 5.15 of the statutes. Wards must:

- *Be comprised of whole census blocks*

Wards are constructed by aggregating whole census blocks so that the population of the ward falls within a predetermined range (see: Population Ranges of Wards, p. 3-4). The census block is the smallest unit for which population is tabulated, and is typically bounded by streets or other prominent physical features. Political boundaries (municipal limits and county lines) may also serve as block boundaries. Blocks may be as small as a typical city block bounded by four streets or as large as several square miles in rural areas. They usually contain fewer than 100 people. [5.15 (1)(b)] There are two exceptions to the “whole block” requirement. A municipality may split a census block if its population is too large to permit the establishment of aldermanic districts of equal population. If annexed or detached territory divides a block, the affected municipalities may incorporate only the portion of the block contained within their boundaries. [5.15 (2) (c) and (g)]

Any division of blocks must be based on the best evidence available of where the block’s residents actually live. “Best evidence” includes data such as housing units, utility connections, and vehicle registrations. [5.15 (2) (cm)]

- *Suit the convenience of voters*

Wards should “as far as practicable”, be kept compact and observe the community of interest of existing neighborhoods. [5.15 (1) (b)]

- *Be comprised of contiguous territory*

The only exception is island territory which is defined as territory separated from the major part of the municipality by water or the territory of another municipality. [5.15 (1) (b)]

- *Take into account the county supervisory district plan*

Municipalities must make a “good faith effort” to accommodate the tentative county supervisory district plan by establishing wards which meet the county’s needs. [5.15 (2) (d)]

- *Consider population and racial and ethnic characteristics*

Wards must be constructed in a manner that permits the creation of supervisory and aldermanic districts of substantially equal population. They must also enhance the participation of members of racial or language minority groups in the political process and their ability to elect representatives of choice. [5.15 (2) (bm); 5.15 (1) (a) 2.]

- *Comply with the population ranges specified by law*

See Section on Population Ranges of Wards.

- *Lie entirely within one municipality and one county*

Wards may not cross municipal or county lines. [5.15. (1) (d)]

- *Reflect the municipal boundaries in place on August 1, 2011*

By specifying a uniform “snapshot” date for municipal boundaries, discrepancies are avoided in municipal boundaries, which is especially important for those also forming the boundaries between legislative districts. [5.15 (1) (b)]

Annexations

In general, annexations take effect on the date specified by the annexation ordinance or resolution. For purposes of adjusting ward boundaries, however, territory affected by annexations and detachments occurring up to August 1, 2011, must be incorporated in the ward plan adopted by the municipality. Annexations (or detachments) which occur after August 1, 2011, are not delayed because of redistricting but are not relevant for purposes of municipal subdistricting or legislative redistricting. Thus, municipal wards and legislative districts will reflect the same municipal boundaries in effect on the August 1, 2011, “snapshot” date.

Two additional points relating to annexations bear mentioning. The first is that once the boundaries of legislative districts are established by the legislature, annexations, consolidations, detachments, or any other action by a municipality cannot alter legislative districts. If a city or village annexes territory that is part of an adjacent assembly district, the annexed territory remains, for the rest of the decade, in the assembly district in which it was placed by the legislature. The second point relates to the population of the annexed or detached territory. Because all redistricting must be based on the population as reported by the decennial federal census which enumerates inhabitants according to their residences on April 1, 2010, the population of territory shifted by annexation between April 1, 2010 (the date used by the U.S. Bureau of the Census to determine place of residence), and August 1, 2011 (the date used by the legislature to determine municipal boundaries) must be computed using the location of residents on April 1, 2010. For purposes of redistricting, all population remains in the municipality where it was located on August 1, 2011, and cannot be counted in another municipality because of a subsequent annexation or detachment, although for purposes of elections, municipalities may adjust aldermanic district boundaries to reflect annexations and detachments after they become effective.

Population shifts occurring during the decade are not reflected in supervisory or aldermanic districts recorded until the next decennial census is taken, except that a county may alter the boundaries of its supervisory districts during mid-decade to reflect municipal boundary changes and a city may adjust the number of aldermanic districts in the city not more than once every two years, using the existing wards.

Thus, for purposes of redistricting, municipal boundaries must be shown as of August 1, 2011, and population must be allocated as reported by the Census Bureau based on residence as of April 1, 2010.

Population Ranges of Wards

The population ranges for wards were not arrived at arbitrarily; they were intended to approximately correspond to the population ranges of the geographic reporting units used by the U.S. Bureau of the Census.

Statute Section 5.15 (1) (a) directs that the population of a ward be established at a “convenient point” within the population range set by law with “due consideration for the known trends of population increase or decrease”. Thus, the population of each ward should be set

at a level which is consistent with the prescribed population ranges, and which can accommodate fluctuations in population over a relatively long time.

Section 5.15 (2) (b) establishes specific population ranges, tied to the population of the municipality, that wards must fall within:

Population of Municipality	Ward Population Range
Cities over 150,000	1,000 to 4,000
Cities 39,000 to 149,999	800 to 3,200
Cities, villages, or towns	
10,000 to 38,999	600 to 2,100
1,000 to 9,999	300 to 1,000
Cities, villages, or towns to 999 . .	no division required

Wards may be established below the prescribed population ranges under several specified circumstances. These situations include territory which is located in a county or school district other than the county or school district in which the major part of the municipality is located; island territory containing resident population; territory which becomes part of a municipality after the adoption of a decennial ward plan; territory consisting of a portion of a ward the remainder of which has been detached from a municipality; and wards established to permit the creation of supervisory districts of equal population.

Adjusting Ward Boundaries in 2011

Ward boundaries are intended to be as permanent as possible with changes made only to accommodate changes in population growth patterns, alterations in municipal boundaries, or the mathematical requirements of creating election districts of equal population. Ward boundaries require adjustment under the following circumstances:

- *To reflect changes in population*
Municipalities are required to adjust the boundaries of those wards which, according to the 2010 Census of Population, have either gained or lost population and as a result no longer fit with the statutory population ranges. A ward which exceeds the maximum of the applicable population range is to be divided into two or more wards; a ward which falls below the minimum of the applicable population range is to be combined with an adjacent ward or combined with the adjacent ward and subdivided into two or more wards. [5.15 (1) (a) 3.]
- *To reflect changes in minority population*
Municipalities are also required to consider the racial and ethnic characteristics of the population when adjusting ward boundaries so that members of racial or language minority groups have an opportunity to elect candidates of their choice. Although wards do not directly constitute election districts, they are used to form such districts. Thus, minority population must be distributed within a combination of wards in such a manner as to make it possible to combine those wards to construct an aldermanic or supervisory district in which a racial or language minority has an opportunity to elect a representative of its choice. Court decisions have held that Black and Hispanic populations must be given special attention in redistricting and that election districts must be drawn so that a minority group has a fair chance to elect a candidate of its choice. [5.15 (1) (a) 2.]

- *To reflect changes in municipal boundaries*
Adjustments in ward boundaries must be made to accommodate annexations, detachments, or other changes in municipal boundaries that have occurred since the previous ward plan was adopted. [5.15 (1) (b), (2) (f)]
- *To accommodate the establishment of county supervisory districts*
Wards may also need adjustment to permit the establishment of county supervisory districts of equal population. Municipalities are required to consider the tentative county supervisory district plan in determining whether existing ward boundaries need to be changed. The county's tentative plan must include the number and tentative boundaries of the proposed supervisory districts or a description of boundary requirements. In the event that a municipality needs to be divided into two or more supervisory districts which cannot be accommodated within the existing ward plan, the county board is to submit a written statement to the municipality indicating the approximate location and population of the requested wards. [5.15. (2) (d)]
- *To facilitate the creation of aldermanic districts of equal population*
A municipality may find it necessary to adjust existing ward boundaries if they no longer allow for the creation of aldermanic districts that are as nearly equal in population as practicable. [5.15 (2) (bm)]
- *Mid-decade changes*
Once established, the boundaries of each ward are to remain unchanged until the next decennial census. However, several exceptions are recognized, although no ward line adjustment may cross the boundary of an assembly district. A town board may adjust ward boundaries if a new town is created or if part of the town is annexed to a city or village and realignment of the remaining town wards becomes necessary. [5.15 (7)] A city, village, or town must adjust ward boundaries to reflect a municipal detachment. [5.15 (2) (e)] New territory that becomes part of a municipality during the decade may constitute new ward, even if that ward falls below the prescribed minimum population range. [5.15 (2) (f) 4.] An annexation ordinance may annex territory to an existing ward or may place it in a new ward. [66.0217 (8) (b)] Finally, a ward may be adjusted by the legislature, as a matter of statewide concern, in the enactment of legislative districts. [5.15 (1) (c)]
- *To summarize:*
The only reasons for adjusting ward boundaries are to: 1) comply with the population ranges required by law, 2) reflect changes in municipal boundaries occurring subsequent to the adoption of the previous ward plan, 3) permit the establishment of election districts of substantially equal population, and 4) permit the establishment of aldermanic or supervisory districts which enhance the participation of minorities in the political process and their ability to elect representatives of their choice.

The intent is that wards remain relatively permanent, with changes in ward boundaries made only to accommodate changes in population growth patterns, alterations in municipal boundaries, or the mathematical requirements of creating election districts of equal population.

In addition to the obvious benefit of greatly simplifying the task of reestablishing a ward plan based on the decennial census, municipalities benefit in other ways when ward lines are not disturbed. When wards remain relatively constant, the administration of elections is sim-

plified. Although the combination of wards comprising an election district may change, and aldermanic, supervisory, legislative, and congressional districts must be redrawn to reflect shifts in population, ward boundaries often need not change. Voter identification with the ward develops and is strengthened over time, and election officials have fewer problems in administering elections.

II. USING WARDS TO FORM ELECTION DISTRICTS

3-Step Process

The establishment of municipal wards requires cooperation between the municipality and the county board of each county in which a municipality is located and involves a 3-step process. Each step must be completed within 60 days.

Step 1 requires the county board to submit a tentative county supervisory district plan to each municipal governing body in the county. The county board is required to hold a public hearing on the tentative plan. If a municipality needs to be divided and placed in more than one supervisory district, the board is to indicate the approximate location of the territory from which a ward is sought and the approximate population of the ward.

In step 2, municipalities have a maximum of 60 days to adjust ward boundaries to comply with the proposed supervisory district plan following receipt of the tentative plan.

The third 60-day step requires counties to adopt final supervisory district plans and cities to establish aldermanic district plans.

The governing body of a municipality – the common council or village or town board – is responsible for establishing ward boundaries. An ordinance or resolution describing the ward boundaries must be adopted by a majority of the members of the governing body. Section 5.18 of the Wisconsin Statutes provides that if a municipality fails to adopt a ward plan within the prescribed time period, the county or any elector of the municipality may submit a proposed ward plan to the appropriate circuit court. If the court finds that the existing municipal ward plan fails to comply with statutory requirements, it may promulgate the submitted plan, or any other plan, to serve as a temporary ward plan until superseded by a valid plan enacted by the municipality.

Time Table

The official publication of population data and census maps on March 21, 2011, started the redistricting clock. As noted, counties have up to 60 days to enact a tentative redistricting plan; municipalities are allotted up to the following 60 days to enact an ordinance or resolution establishing municipal wards; and counties and municipalities are given up to 60 days to establish election districts. Each step begins when the previous step is completed and each step must be completed within 60 days. The 3 steps should be completed by October 1, 2011. All local elections beginning January 1, 2012, must be from the newly established districts. The Wisconsin Legislature is given the entire 2011-2012 session to establish legislative district boundaries. As a practical matter – so that the 2012 legislative elections can be based on the new districts – the legislature must complete redistricting by early May 2012 to facilitate publication of the first legal notice in May 2012 for the 2012 fall elections.

Requirement	Date/Completed By
P.L. 94-171 file received	March 10, 2011
Population data posted on the Redistricting Web site	March 21, 2011
Counties adopt tentative supervisory plans	June 2011
Municipalities adopt ward plans	August 2011
Counties establish supervisory districts	October 2011
Cities establish aldermanic districts	October 2011
Legislature establishes legislative and congressional districts	April 2012

Numbering of Wards and Combining Wards for Voting Purposes

Wards are to be designated by consecutive whole numbers beginning with the number “one”. Wards may be combined to allow the use of a common polling place as long as the numbering of the combined wards is not changed. [5.15 (4) (a)] Municipalities having a population of 35,000 or more are required to maintain separate returns for all wards. Municipalities under 35,000 population are not required to maintain separate returns for combined wards as long as all voters in the combined wards are eligible to vote for the same offices. A resolution combining wards for voting purposes must be adopted prior to each election, although resolutions adopted by municipalities under 35,000 remain in effect until modified or rescinded. [5.15 (6) (b)]

III. COUNTY SUPERVISORY DISTRICTS

There are 2 steps involved in the establishment of county supervisory districts. The first step requires the county board to adopt a preliminary county supervisory district plan within 60 days after detailed population data and block level maps are made available by the state. The second step begins after municipalities adopt ward plans and requires the county board to enact a final supervisory district plan. A public hearing is required before adoption of both the tentative and final plans.

Step 1 – 59.10 (3) (b) 1.

At the first public hearing, the county board is directed to solicit suggestions from municipalities concerning the proposed tentative plan. The plan may be amended after the public hearing to incorporate suggestions received. A copy of the tentative plan is to be sent to the governing body of each municipality in the county.

County boards are to work cooperatively with municipalities in establishing supervisory districts. Supervisory districts are to be comprised of whole contiguous municipalities, parts of the same municipality, or contiguous parts of adjoining municipalities consisting of whole wards. All districts are to be substantially equal in population. Dual member districts are not permitted. If the tentative plan requires that a municipality be divided between two or more districts, the county board is to provide the municipality with a copy of the plan and a statement specifying the approximate location and population of the territory needed for the wards required to create the districts.

If the county board fails to adopt a tentative plan within 14 days from the expiration of the 60-day period, any municipality or voter within the county may submit a proposed plan to the circuit court. The court may promulgate that plan, or any other plan, as a temporary

supervisory district plan until superseded by a valid plan enacted by the county board. [59.10 (6)]

Step 2 – 59.10 (3) (b) 2.

The second step in the process requires the county board to hold a second public hearing and adopt a final supervisory district plan. This is to occur within 60 days after all the municipalities in the county have adjusted wards. All wards within a supervisory district must be contiguous, except for wards within a municipality that are wholly surrounded by water or another municipality, in which case the noncontiguous ward may be combined with its parent municipality to form a supervisory district. The county board chairperson is to file a copy of the final plan with the Secretary of State.

The complete text of Section 59.10 (3) (b) governing county supervisory districting is printed in the Appendix.

IV. ALDERMANIC DISTRICTS

The common council of a city is required to redistrict aldermanic districts within 60 days of adjusting its ward boundaries. Aldermanic districts are to be constructed from contiguous whole wards (excluding any isolated ward consisting of island territory surrounded by water or another municipality), must be as compact as possible, and must contain, as nearly as practicable, an equal number of inhabitants.

The redistricting ordinance must be adopted by a majority vote of all members of the common council. The common council is authorized to increase or decrease the number of aldermanic districts during the decade. Such action must not occur more frequently than once every two years and requires a two-thirds vote of the members of the common council.

Only towns and villages with a population of 1,000 or more are required to establish wards. However, all municipalities may be required to establish wards when necessary to create supervisory, legislative, or congressional districts of equal population. Town supervisors and village trustees continue to be elected on an at-large basis.

The text of Section 62.08, pertaining to the alteration of aldermanic districts, is printed in the Appendix.

V. REPORTING REQUIREMENTS

In addition to the division ordinance or resolution, municipalities must provide to the county clerk of each county in which the municipality is located, a list of census block numbers contained within each ward. Any split blocks must be identified and the population for each part provided, based on the April 1, 2010, reporting date. A map of the municipality showing the revised ward boundaries is also required. The resolution or ordinance, list of blocks, and map must be sent to the appropriate county clerk or clerks within five days after adoption of the ward plan.

Municipalities over 10,000 population are also required to send an additional copy of the ordinance or resolution, block number list, and map to the Legislative Reference Bureau (P.O. Box 2037, Madison, WI 53701-2037) within five days of the adoption of the ward plan.

Additional instructions will be sent concerning the format for reporting information.

VI. FOR FURTHER INFORMATION

For assistance in ward subdistricting and alteration of election districts, local officials have a number of resources available including regional planning commissions, county extension agents, county land information officers, and local government interest groups. There are also several Internet Web sites that provide useful information. Population data, maps, and other information are available on the Wisconsin Legislature redistricting Web site at: <http://www.legis.state.wi.us/ltsb/redistricting>. The U.S. Census Bureau Web site provides downloadable maps and redistricting population data at: <http://www.census.gov/rdo>. (See Appendix B.)

At the state and regional level, information is available from several sources. These include:

Legislative Reference Bureau

1 East Main Street
P.O. Box 2037
Madison, Wisconsin 53701-2037

Contact: Michael Keane (608) 266-0346; michael.keane@legis.wisconsin.gov

For: General information on redistricting
Format for sending ward plans to the state

Contact: Larry Barish (608) 266-0344; larry.barish@legis.wisconsin.gov

For: General information on redistricting

Contact: Steve Miller (608) 267-2175; steve.miller@legis.wisconsin.gov

For: General information on redistricting

Legislative Technology Services Bureau

Suite 200, 17 West Main Street
Madison, Wisconsin 53703-3305

Contact: Tony Van Der Wielen (608) 283-1817; tony.vanderwielen@legis.wisconsin.gov

For: Information on using WISE-LR software
Electronic data
Copies of maps

Applied Population Laboratory

Department of Community and Environmental Sociology
316 Agriculture Hall, 1450 Linden Drive
Madison, Wisconsin 53706

Contact: Dan Veroff, Extension Demographic Specialist (608) 265-9545;

dlveroff@wisc.edu

For: Census data questions

Government Accountability Board
 Elections Division
 812 East Washington Avenue, 3rd Floor
 P.O. Box 7984
 Madison, Wisconsin 53707-7984

Contact: Diane Lowe (608) 266-3276; diane.lowe@wi.gov
 Steve Pickett (608) 266-3061; steve.pickett@wi.gov

For: Questions on administration of elections

U.S. Census Bureau
 Chicago Regional Census Center
 500 West Madison Street, Suite 1600
 Chicago, Illinois 60661
 Contact: Gail Krmeneč, Asst. Regional Census Manager (312) 454-2709;
gail.krmeneč@census.gov
 For: Count Question Resolution (CQR) program
 Boundary, geocoding, and coverage corrections

VII. APPENDIX

A: Statutory References

The following statute sections are reprinted from the 2009-10 Wisconsin Statutes.

Text of Section 5.15

5.15 Division of municipalities into wards. (1) (a) 1. Every city, village, and town in this state shall by its common council or village or town board, respectively, be divided into wards as provided in this section, except as authorized in sub. (2). The boundaries of the wards established under this section, and the number assigned to each ward, are intended to be as permanent as possible, and to this end each ward shall when created contain a population at a convenient point within the applicable population range under sub. (2) (b), with due consideration for the known trends of population increase or decrease within that part of the municipality in which the ward is located.

2. Once established, the boundaries of each ward shall remain unchanged until a further decennial federal census of population indicates that the population of a ward is then above or below the applicable population range or until the ward boundaries are required to be changed to permit creation of supervisory or aldermanic districts of substantially equal population or to enhance the participation of members of a racial or language minority group in the political process and their ability to elect representatives of their choice.

3. If the population of a ward has increased above the maximum of its population range or if the population of a ward must be decreased for a reason specified in subd. 2., the ward shall be divided into 2 or more wards in compliance with sub. (2) (b). If the population of a ward has decreased below the minimum of its population range or if the population of a ward must be increased for a reason specified in subd. 2., the ward shall, if possible, be combined with an

adjoining ward, or the underpopulated ward and one adjoining ward shall be combined and together subdivided into 2 or more wards in compliance with sub. (2).

(b) Except as authorized in sub. (2) (a), within 60 days after the receipt of a tentative supervisory district plan and written statement, if any, from the county board of each county in which a municipality is located, the governing body of the municipality shall adjust its wards according to the schedule shown in sub. (2). All territory contained within the municipality, and only the territory so contained, on August 1 following the year of the federal decennial census shall be contained within a ward. Except as authorized in sub. (2), each ward shall consist of whole blocks. To suit the convenience of the voters residing therein each ward shall, as far as practicable, be kept compact and observe the community of interest of existing neighborhoods and other settlements. All territory within a ward shall be contiguous, except for island territory as defined in sub. (2) (f) 3. Enactment or adoption of a division ordinance or resolution requires the affirmative vote of a majority of the members of the governing body.

(c) The wards established by municipal governing bodies under this section on the basis of the published results of each federal decennial census of population shall govern the adjustment of supervisory districts under s. 59.10 (2) (a) and (3) (b) and of aldermanic districts under s. 62.08 (1) for the purpose of local elections beginning on January 1 of the 2nd year commencing after the year of the census until revised under this section on the basis of the results of the next decen-

nial census of population unless adjusted under sub. (2) (f) 4., (6) (a) or (7), or unless adjusted, as a matter of statewide concern, in the enactment of legislative districts under article IV, section 3, of the constitution on the basis of the most recent decennial census of population.

(d) Every ward shall be wholly contained within a single county.

(2) (a) Except as required by par. (d), no city electing its common council at large in which the total population is less than 1,000, and no village or town in which the total population is less than 1,000 is required to be divided into wards under this section, but any such city, village or town may divide itself into wards if the creation of wards facilitates the administration of elections. No village or town located in a county having only one town is required to be divided into wards under this section.

(b) 1. In any city in which the population is at least 150,000, each ward shall contain not less than 1,000 nor more than 4,000 inhabitants.

2. In any city in which the population is at least 39,000 but less than 150,000, each ward shall contain not less than 800 nor more than 3,200 inhabitants.

3. In any city, village or town in which the population is at least 10,000 but less than 39,000, each ward shall contain not less than 600 nor more than 2,100 inhabitants.

4. In any city, village or town in which the population is less than 10,000, each ward shall contain not less than 300 nor more than 1,000 inhabitants.

(bm) Every city electing the members of its common council from aldermanic districts shall assemble the blocks wholly or partially contained within the city into wards that will enable the creation of aldermanic districts that are substantially equal in population.

(c) If the population of a block exceeds the maximum population for a ward otherwise specified in this subsection, such block shall be constituted a ward by itself, except that if the population of a block substantially exceeds the population of proposed aldermanic districts in a city so that, if the block were to constitute an aldermanic district, the populations of the aldermanic districts in the city would not be substantially equal, the city shall divide the block to permit assembly into wards that will enable creation of aldermanic districts that are substantially equal in population.

(cm) Any division of blocks under this section shall be based on the best evidence available. In this paragraph, "best evidence" includes, but is not limited to, the population of the block and other information received from the U.S. bureau of the census and such data as number of housing units, utility connections and vehicle registrations or a special census conducted locally. For each ward so established, the population estimate shall be correlated with the results of the most recent federal decennial census, so that the total population reported for all wards in the municipality agrees with the census results.

(d) Every municipality shall make a good faith effort to accommodate the tentative plan submitted by the county or counties in which it is located under s. 59.10 (2) (a) or (3) (b) 1., and shall divide itself into wards in such a manner that will permit the creation of county supervisory districts in accordance with the population requirements for the plan specified in s. 59.10 (2) (a) or (3) (b) 1.

(e) Notwithstanding par. (b), if territory is detached from a city, village or town after adoption of a decennial ward plan, and the remaining portion of the ward to which it was attached falls below the prescribed minimum population for the applicable range, the remaining portion of the population may be constituted a ward by itself.

(f) Notwithstanding par. (b), any city, village or town may establish a ward below the prescribed minimum population for the appli-

cable range whenever the proposed ward is established under par. (a), (d) or (e) or whenever the proposed ward contains solely:

1. That part of a city or village situated in a county other than the county in which the major part of the municipality is located.

2. That part of a city, village or town belonging to a school district other than the school district to which the major part of the municipality belongs.

3. Island territory containing a resident population. In this subdivision, "island territory" means territory surrounded by water, or noncontiguous territory which is separated by the territory of another municipality or by water, or both, from the major part of the municipality to which it belongs.

4. New territory which becomes a part of a city, village or town after the adoption of a decennial ward plan.

(g) If a block is affected by an annexation or detachment which establishes a municipal boundary that subdivides the block, the municipalities in which the block is contained shall incorporate only the portion of the block contained within their boundaries in their ward plans.

(4) (a) The division ordinance or resolution shall number all wards in the municipality in whole numbers in consecutive order, beginning with the number one, shall designate the polling place for each ward, and shall describe the boundaries of each ward consistent with the conventions set forth in s. 4.003. The ordinance or resolution shall be accompanied by a list of the block numbers used by the U.S. bureau of the census that are wholly or partly contained within each ward, with any block numbers partly contained within a ward identified, and a map of the municipality which illustrates the revised ward boundaries.

(b) Within 5 days after adoption or enactment of an ordinance or resolution under this section, the municipal clerk shall transmit one copy of the ordinance or resolution to the county clerk of each county in which the municipality is contained, accompanied by the list and map specified in par. (a). If the population of the municipality exceeds 10,000, the municipal clerk shall furnish one copy to the legislative reference bureau at the same time. Each copy shall identify the name of the municipality and the county or counties in which it is located.

(5) When a town is divided into wards, the annual town meeting shall be held in a location authorized under s. 60.11 (3) (a).

(6) (a) Following any municipality-wide special federal census of population, the governing body of the municipality in which the special census was held may, by ordinance or resolution, adjust the ward boundaries, but no ward line adjustment may cross the boundary of an assembly district. The municipal clerk shall transmit copies of the ordinance or resolution in compliance with sub. (4) (b).

(b) No later than 60 days before each September primary and general election, and no later than 30 days before each other election the governing body of any municipality may by resolution combine 2 or more wards for voting purposes to facilitate using a common polling place. Whenever wards are so combined, the original ward numbers shall continue to be utilized for all official purposes. Except as otherwise authorized under this paragraph, every municipality having a population of 35,000 or more shall maintain separate returns for each ward so combined. In municipalities having a population of less than 35,000, the governing body may provide in the resolution that returns shall be maintained only for each group of combined wards at any election. Whenever a governing body provides for common ballot boxes and ballots or voting machines, separate returns shall be maintained for each separate ballot required under ss. 5.62 and 5.64 at the September primary and general election. The municipal clerk shall transmit a copy of the resolution to the county clerk of each county in which the municipality is contained. In municipalities having a population of less than 35,000, the resolution shall remain in effect for each election until modified or rescinded, or until a new division is made under this section.

(7) If a new town is created or if part of a town is annexed to a city or village during a decennial period after the period for ward adjustments under sub. (1) (b), the town board of any town to which territory is attached or from which territory is detached, without regard to the time provisions of sub. (1) (b), may, by ordinance or resolution, adjust the wards in that town, but no ward line adjustment may cross the boundary of an assembly district. The town clerk shall transmit copies of the ordinance or resolution making the adjustment in compliance with sub. (4) (b).

(8) Until divided, all elections are held in the established wards.

History: 1971 c. 304 ss. 3 to 5, 29 (2); 1977 c. 26, 418, 427, 449; 1979 c. 260; 1981 c. 4 ss. 2 to 10, 18; 1981 c. 314; 1983 a. 29, 192, 442; 1983 a. 484 ss. 8e, 174; 1983 a. 538; 1985 a. 304 ss. 8 to 10, 12; 1987 a. 391; 1991 a. 5, 143, 315; 1993 a. 213; 1995 a. 201; 1999 a. 182; 2005 a. 149, 312.

City and county apportionment is discussed. *City of Janesville v. Rock County*, 107 Wis. 2d 187, 319 N.W.2d 891 (Ct. App. 1982).

The court properly voided the city’s plan and adopted the county’s plan, even though the county did not adopt the plan within 60 days of receiving census data. *County of La Crosse v. City of La Crosse*, 108 Wis. 2d 560, 322 N.W.2d 531 (Ct. App. 1982).

Text of Section 5.18

5.18 Enforcement of division requirement. If any municipality fails to comply with s. 5.15, the county in which the municipality is located or any elector of the municipality may submit to the circuit court for any county in which the municipality is located within 14 days from the expiration of the 60–day period under s. 5.15 (1) (b) a proposed plan for the division of the municipality into wards in compliance with this section. If the circuit court finds that the exist-

ing division of the municipality into wards fails to comply with s. 5.15, it shall review the plan submitted by the petitioner and after reasonable notice to the municipality may promulgate the plan, or any other plan in compliance with s. 5.15, as a temporary ward plan for the municipality to remain in effect until superseded by a ward plan adopted by the governing body in compliance with s. 5.15.

History: 1985 a. 304 ss. 9, 11, 12.

Text of Section 59.10

59.10 Boards: composition; election; terms; compensation; compatibility. The boards of the several counties shall be composed of representatives from within the county who are elected and compensated as provided in this section. Each board shall act under sub. (2), (3) or (5), unless the board enacts an ordinance, by a majority vote of the entire membership, to act under sub. (1). If a board enacts such ordinance, a certified copy shall be filed with the secretary of state.

(1) **SELF-ORGANIZED COUNTIES.** (a) *Number of supervisors and apportionment of supervisory districts.* In each county with a population of at least 500,000, sub. (2) (a) and (b) applies. In counties with a population of less than 500,000 and more than one town, sub. (3) (a) to (c) applies. In counties with one town only, sub. (5) applies.

(b) *Terms.* The term of office of supervisors is 2 years. A board may determine whether the terms shall be concurrent or staggered. Supervisors shall be elected at the election to be held on the first Tuesday in April next preceding the expiration of their respective terms and shall take office on the 3rd Tuesday in April following their election. If the board determines that supervisors shall serve staggered terms, the board shall, by ordinance, provide for a division of supervisors into 2 classes, one class to be elected for one–half of a full term and the other class for a full term and thereafter the supervisors shall be elected for a full term. The board shall publish the ordinance as a class 1 notice, under ch. 985, or as a notice, as described under s. 59.14 (1m) (b), before publication of the notice of the election at which supervisors are to be elected.

(c) *Compensation.* The method of compensation for supervisors shall be determined by the board.

(d) *Vacancies.* A board may determine the procedure for filling a vacancy.

(2) **MILWAUKEE COUNTY.** In each county with a population of at least 500,000:

(a) *Composition; supervisory districts.* Within 60 days after the population count by block, established in the decennial federal census of population, and maps showing the location and numbering of census blocks become available in printed form from the federal government or are published for distribution by an agency of this state, but no later than July 1 following the year of each decennial census, the board shall adopt and transmit to the governing body of each city and village wholly or partially contained within the county a tentative county supervisory district plan to be considered by the cities and villages when dividing into wards. The plan shall specify the number of supervisors to be elected and shall divide the county into

a number of districts equal to the number of supervisors, with each district substantially equal in population and consisting of contiguous whole wards. Except as otherwise provided in this paragraph, the board shall develop and adopt the tentative plan in accordance with sub. (3) (b) 1. The board shall adopt a final plan by enacting an ordinance in accordance with sub. (3) (b) 2. to 4.

(b) *Election; term.* Supervisors shall be elected for 4–year terms at the election to be held on the first Tuesday in April next preceding the expiration of their respective terms, and shall take office on the 3rd Monday in April following their election.

(c) *Compensation.* Each supervisor shall be paid by the county an annual salary set by the board. The board may provide additional compensation for the chairperson. Section 66.0505 applies to this paragraph.

(d) *Changes during decade.* 1. ‘Number of supervisors; redistricting.’ The board may, not more than once prior to November 15, 2010, decrease the number of supervisors after the enactment of a supervisory district plan under par. (a). In that case, the board shall redistrict, readjust, and change the boundaries of supervisory districts, so that the number of districts equals the number of supervisors, the districts are substantially equal in population according to the most recent countywide federal census, the districts are in as compact a form as possible, and the districts consist of contiguous whole wards in existence at the time at which the redistricting plan is adopted. In the redistricting plan, the board shall adhere to the requirements under sub. (3) (b) 2. with regard to contiguity and shall, to the extent possible, place whole contiguous municipalities or contiguous parts of the same municipality within the same district. In redistricting under this subdivision, the original numbers of the districts in their geographic outlines, to the extent possible, shall be retained. The chairperson of the board shall file a certified copy of any redistricting plan adopted under this subdivision with the secretary of state.

2. ‘Election; term.’ Any redistricting plan enacted under subd. 1. becomes effective on the first November 15 following its enactment, and first applies to the spring election following the plan’s effective date. Any redistricting plan enacted under subd. 1. shall remain in effect until the effective date of a redistricting plan subsequently enacted under par. (a). Supervisors elected from the districts created under subd. 1. shall serve for 4–year terms and shall take office on the 3rd Monday in April following their election.

(3) **OTHER COUNTIES.** (a) *Classification; maximum number of supervisors.* Counties with a population of less than 500,000 and

more than one town are classified and entitled to a maximum number of supervisors as follows:

1. Counties with a population of less than 500,000 but at least 100,000 shall have no more than 47 supervisors.
2. Counties with a population of less than 100,000 but at least 50,000 shall have no more than 39 supervisors.
3. Counties with a population of less than 50,000 but at least 25,000 shall have no more than 31 supervisors.
4. Counties with a population of less than 25,000 and containing more than one town shall have no more than 21 supervisors.
5. If the population of any county is within 2% of the minimum population for the next most populous grouping under this paragraph, the board thereof, in establishing supervisory districts, may employ the maximum number for such districts set for such next most populous grouping.

(b) *Creation of supervisory districts.* 1. Within 60 days after the population count by block, established in the decennial federal census of population, and maps showing the location and numbering of census blocks become available in printed form from the federal government or are published for distribution by an agency of this state, but no later than July 1 following the year of each decennial census, each board shall propose a tentative county supervisory district plan setting forth the number of supervisory districts and tentative boundaries or a description of boundary requirements, hold a public hearing on the proposed plan and adopt a tentative plan. The proposed plan may be amended after the public hearing. The board shall solicit suggestions from municipalities concerning the development of an appropriate plan. The board shall transmit to each municipal governing body in the county the tentative plan that is adopted. Each district shall consist of whole wards or municipalities. Each district shall be designated to be represented by one supervisor, and all districts shall be substantially equal in population. In the tentative plan, the board shall, whenever possible, place whole contiguous municipalities or contiguous parts of the same municipality within the same district. If the division of a municipality is sought by the board, the board shall provide with the plan a written statement to the municipality affected by each proposed division specifying the approximate location of the territory from which a ward is sought to be created for contiguity purposes and the approximate population of the ward proposed to effectuate the division.

2. Within 60 days after every municipality in the county adjusts its wards under s. 5.15, the board shall hold a public hearing and shall then adopt a final supervisory district plan, numbering each district. Wards within each supervisory district created by the plan shall be contiguous, except that one or more wards located within a city or village which is wholly surrounded by another city or water, or both, may be combined with one or more noncontiguous wards, or one or more wards or portions of wards consisting of island territory as defined in s. 5.15 (2) (f) 3. may be combined with one or more noncontiguous wards or portions of wards within the same municipality, to form a supervisory district.

4. The chairperson of the board shall file a certified copy of the final districting plan with the secretary of state.

(c) *Changes during decade; municipal boundary adjustments.* After the enactment of a plan of supervisory districts under par. (b), a municipal incorporation, annexation, detachment or consolidation may serve as a basis for altering between federal decennial censuses the boundaries of supervisory districts, in the discretion of the board. The number of supervisory districts in the county shall not be changed by any action under this paragraph. Any plan of county supervisory districts enacted under par. (b) may be amended under this paragraph but shall remain in effect as amended until superseded by another plan enacted by the board under par. (b) and filed with the secretary of state.

(cm) *Changes during decade; reduction in size.* 1. 'Number of supervisors; redistricting.' Except as provided in subd. 3., following the enactment of a decennial supervisory district plan under par. (b), the board may decrease the number of supervisors. In that case, the board shall redistrict, readjust, and change the boundaries of supervisory districts, so that the number of districts equals the number of supervisors, the districts are substantially equal in population according to the most recent countywide federal census, the districts are in as compact a form as possible, and the districts consist of contiguous whole wards in existence at the time at which the redistricting plan is adopted. In the redistricting plan, the board shall adhere to the requirements under par. (b) 2. with regard to contiguity and shall, to the extent possible, place whole contiguous municipalities or contiguous parts of the same municipality within the same district. In redistricting under this subdivision, the original numbers of the districts in their geographic outlines, to the extent possible, shall be retained. No plan may be enacted under this subdivision during review of the sufficiency of a petition filed under subd. 2. nor after a referendum is scheduled on such a petition. However, if the electors of the county reject a change in the number of supervisory districts under subd. 2., the board may then take action under this subdivision except as provided in subd. 3. The county clerk shall file a certified copy of any redistricting plan enacted under this subdivision with the secretary of state.

2. 'Petition and referendum.' Except as provided in subd. 3., the electors of a county may, by petition and referendum, decrease the number of supervisors at any time after the first election is held following enactment of a decennial supervisory district plan under par. (b). A petition for a change in the number of supervisors may be filed with the county clerk. Prior to circulating a petition to decrease the number of supervisors in any county, a petitioner shall register with the county clerk, giving the petitioner's name and address and indicating the petitioner's intent to file such a petition. No signature on a petition is valid unless the signature is obtained within the 60-day period following such registration. The petition shall specify the proposed number of supervisors to be elected. Within 14 days after the last day for filing an original petition, any other petitioner may file an alternative petition with the county clerk proposing a different number of supervisors to be elected, and, if the petition is valid, the alternative proposed in the petition shall be submitted for approval at the same referendum. An alternative petition is subject to the same registration and signature requirements as an original petition. Each petition shall be in the form specified in s. 8.40 and shall contain a number of signatures of electors of the county equal to at least 25 percent of the total votes cast in the county for the office of supervisor at the most recent spring election preceding the date of filing. The county clerk shall promptly determine the sufficiency of a petition filed under this subdivision. Upon determination that a petition is sufficient, or if one or more valid alternative petitions are filed, upon determination that the petitions are sufficient, the county clerk shall call a referendum concurrently with the next spring or general election in the county that is held not earlier than 42 days after the determination is made. The question proposed at the referendum shall be: "Shall the board of supervisors of County be decreased from members to members?". If one or more alternative valid petitions are filed within 14 days after the last day that an original petition may be filed, the question relating to the number of supervisors shall appear separately. The first question shall be: "Shall the size of the county board of supervisors of County be decreased from its current membership of members?". Any subsequent question shall be: "If so, shall the size of the board be decreased to members?". Each elector may vote in the affirmative or negative on the first question and may then vote in the affirmative on one of the remaining questions. If the first question is not approved by a majority of the electors voting on the question, any subsequent question is of no effect. If the question is approved by a majority of the electors voting on the question, or, if more than one question is submitted, if the first

question is approved by a majority of the electors voting on the question, the board shall enact an ordinance prescribing revised boundaries for the supervisory districts in the county. The ordinance shall be enacted in accordance with the approved question or, if more than one question is submitted, in accordance with the choice receiving a plurality of the votes cast. The districts are subject to the same requirements that apply to districts in any plan enacted by the board under subd. 1. If the board has determined under sub. (1) (b) to adopt staggered terms for the office of supervisor, the board may change the expiration date of the term of any supervisor to an earlier date than the date provided under current ordinance if required to implement the redistricting or to maintain classes of members. The county clerk shall file a certified copy of any redistricting plan enacted under this subdivision with the secretary of state.

3. 'Limitation.' If the number of supervisors in a county is decreased by the board or by petition under this paragraph, no further action may be taken by the board or by petition under this paragraph in that county until after enactment of the next decennial supervisory district plan by the board under par. (b).

4. 'Election; term.' Any redistricting plan enacted under subd. 1. takes effect on November 15 following its enactment and first applies to the election of supervisors at the next spring election following the effective date that immediately precedes the expiration of the terms of office of supervisors in the county. Any reduction in the number of supervisory districts under subd. 2. that is approved at a spring election shall be enacted in the form of a redistricting plan no later than November 15 following that election and shall first apply to the election of supervisors at the next spring election immediately preceding the expiration of the terms of office of supervisors in the county, and any reduction in the number of supervisory districts under subd. 2. that is approved at a general election shall be enacted in the form of a redistricting plan no later than the 2nd succeeding November 15 following that election and shall first apply to the election of supervisors at the next spring election following that November 15 immediately preceding the expiration of the terms of office of supervisors in the county. Any redistricting plan enacted under subd. 1. or 2. shall remain in effect until the effective date of any subsequent redistricting plan enacted under sub. (3) (c) or until the effective date of a redistricting plan subsequently enacted under par. (b). Supervisors elected from the districts created under subd. 1. or 2. shall serve for 2-year terms and shall take office on the 3rd Tuesday in April following their election.

(d) *Election and term of supervisors.* Supervisors are county officers, shall be elected for 2-year terms at the election to be held on the first Tuesday in April in even-numbered years and shall take office on the 3rd Tuesday in April of that year.

(e) *Vacancies.* If a vacancy occurs on the board, the board chairperson, with the approval of the board, shall appoint a person who is a qualified elector and resident of the supervisory district to fill the vacancy. The successor shall serve for the unexpired portion of the term to which the person is appointed, unless the board orders a special election to fill the vacancy, in which case the person appointed shall serve until his or her successor is elected and qualified. The board may, if a vacancy occurs before June 1 in the year preceding expiration of the term of office, order a special election to fill the vacancy. If the board orders a special election during the period beginning on June 1 and ending on November 30 of any year, the special election shall be held concurrently with the succeeding spring election. If the board orders a special election during the period beginning on December 1 and ending on May 31 of the succeeding year, the special election shall be held on the Tuesday after the first Monday in November following the date of the order. A person so elected shall serve for the residue of the unexpired term.

(f) *Compensation.* Each supervisor shall be paid a per diem by the county for each day that he or she attends a meeting of the board.

Any board may, at its annual meeting, by a two-thirds vote of all the members, fix the compensation of the board members to be next elected. Any board may also provide additional compensation for the chairperson.

(g) *Mileage.* Each supervisor shall, for each day that he or she attends a meeting of the board, receive mileage for each mile traveled in going to and returning from the meetings by the most usual traveled route at the rate established by the board under s. 59.22 as the standard mileage allowance for all county employees and officers.

(h) *Limitation on compensation.* Except for services as a member of a committee as provided in s. 59.13 no supervisor shall be paid for more days' attendance on the board in any year than is set out in this schedule: in counties having a population of less than 25,000, 20 days; at least 25,000 but less than 100,000, 25 days; at least 100,000 but less than 500,000, 30 days.

(i) *Alternative compensation.* As an alternative method of compensation, in counties having a population of less than 500,000, including counties containing only one town, the board may at its annual meeting, by a two-thirds vote of the members entitled to a seat, fix the compensation of the supervisors to be next elected at an annual salary for all services for the county including all committee services, except the per diem allowance for services in acquiring highway rights-of-way set forth in s. 84.09 (4). The board may, in like manner, allow additional salary for the members of the highway committee and for the chairperson of the board. In addition to the salary, the supervisors shall receive mileage as provided in par. (g) for each day's attendance at board meetings or for attendance at not to exceed 2 committee meetings in any one day.

(j) *Supplementary compensation.* The board, in establishing an annual salary, may enact an ordinance providing for a per diem for all committee meetings attended in excess of 40 committee and board meetings.

(4) **COMPATIBILITY.** No county officer or employee is eligible for election or appointment to the office of supervisor, but a supervisor may also be a member of a committee, board or commission appointed by the county executive or county administrator or appointed or created by the county board, a town board, a mosquito control district, the common council of his or her city, the board of trustees of his or her village or the board of trustees of a county institution appointed under s. 46.18.

(5) **COUNTIES HAVING ONLY ONE TOWN.** In all counties containing one town only, the board shall consist of the members of the town board and one supervisor from every village. A supervisor from a village shall be elected at the time the other village officers are elected. A majority of the members shall constitute a quorum of the county board. Each supervisor shall receive compensation and mileage as provided in sub. (3) (f) and (g). The chairperson of the board elected under s. 59.12 (1) may be, but need not be, the same person who is elected chairperson of the town board under s. 60.21 (3) (a).

(6) **ENFORCEMENT OF DIVISION REQUIREMENT.** If a county fails to comply with sub. (2) (a) or (3) (b), any municipality located in whole or in part within the county or any elector of the county may submit to the circuit court for the county within 14 days from the expiration of either 60-day period under sub. (2) (a) or (3) (b) a proposed tentative or final plan for creation of supervisory districts in compliance with this section. If the court finds that the existing division of the county into supervisory districts fails to comply with this section, it shall review the plan submitted by the petitioner and after reasonable notice to the county may promulgate the plan, or any other plan in compliance with this section, as a temporary supervisory district plan until superseded by a districting plan adopted by the board in compliance with this section.

History: 1971 c. 134, 211, 304; 1973 c. 118 ss. 2 to 4, 7; 1973 c. 334 s. 57; 1973 c. 336; 1975 c. 93 s. 113; 1975 c. 116, 200; 1977 c. 427; 1979 c. 34, 89, 122, 260; 1981 c. 4, 390; 1983 a. 29; 1983 a. 192 ss. 115, 303 (1), (2); 1983 a. 484; 1983 a. 532 s. 36; 1985 a. 29, 304; 1989 a. 56 s. 258; 1991 a. 5, 316; 1993 a. 490; 1995 a. 16 s. 2; 1995

a. 201 s. 100; Stats. 1995 s. 59.10; 1997 a. 35; 1999 a. 150 s. 672; 2001 a. 107; 2003 a. 32; 2005 a. 100, 235, 248; 2007 a. 72, 97.

Cross-reference: See s. 17.21 (5) for provision as to filling vacancies on county boards in counties over 500,000.

Cross-reference: See s. 59.20 (1) for county supervisor residency requirements.

Cross-reference: See s. 66.0505 for restrictions on changes in compensation of county board members.

City and county apportionment is discussed. *City of Janesville v. Rock County*, 107 Wis. 2d 187, 319 N.W.2d 891 (Ct. App. 1982).

The trial court properly voided a city's supervisory district plan and adopted the county's plan even though the county did not adopt the plan within 60 days of receiving census data as required by sub. (3). *County of La Crosse v. City of La Crosse*, 108 Wis. 2d 560, 322 N.W.2d 531 (Ct. App. 1982).

Sub. (3) (a) does not establish a separate minimum for each class of county. The constitutionality of sub. (3) (a) is discussed. 60 Atty. Gen. 327.

A vacancy on a county board due to resignation may be filled by appointment by the county board chairperson when the board is not in session. 61 Atty. Gen. 1.

An incumbent county supervisor must resign before the county board may consider his or her appointment as highway commissioner. 61 Atty. Gen. 424.

A county board supervisor risks violations of s. 946.13 if he is appointed as counsel for indigent defendants. 62 Atty. Gen. 62, 118.

Under sub. (3) (c) alteration of county supervisory district boundaries between decennial censuses is authorized only when ward boundaries originally relied upon in reapportioning the county have been subsequently altered by incorporation, annexation, detachment, or consolidation. 63 Atty. Gen. 544.

Section 59.06 (2) (intro.) [now 59.13 (2) (intro.)] does not prohibit payment of additional mileage under s. 59.03 (3) (g) [now 59.10 (3) (g)]. 68 Atty. Gen. 73.

Text of Section 62.08

62.08 Alteration of aldermanic districts. (1) Within 60 days after the wards have been readjusted under s. 5.15 (1) and (2) the common council of every city, including any city of the first class, shall redistrict the boundaries of its aldermanic districts, by an ordinance introduced at a regular meeting of the council, published as a class 2 notice, under ch. 985, and thereafter adopted by a majority vote of all the members of the council, so that all aldermanic districts are as compact in area as possible and contain, as nearly as practicable by combining contiguous whole wards, an equal number of inhabitants according to the most recent decennial federal census of population.

(2) If territory becomes a part of any city after adoption of the ordinance under sub. (1), the limitations of s. 5.15 relating to population or area do not apply to the creation of new wards in the attached territory, or to the addition of the territory to an existing ward, but no ward line adjustment may cross the boundary of an assembly district.

(3) Whenever the boundaries of aldermanic districts are altered, or new aldermanic districts created, every aldermanic district or ward officer residing within the territory of a new or altered aldermanic district shall hold the same respective office therein for the remainder of the officer's term; and all other vacancies shall be filled as provided by law for the filling of such vacancies.

(4) The common council of any city may, by a two-thirds vote of all its members but not more frequently than once in 2 years, increase or decrease the number of aldermanic districts or the number of members of the city council, and in that case shall redistrict, readjust and change the boundaries of aldermanic districts, so that they are as nearly equal in population according to the most recent city-wide federal census as practicable by combining contiguous whole wards. In redistricting such cities the original numbers of the

aldermanic districts in their geographic outlines shall as far as possible be retained, and the aldermanic districts so created and those the boundaries of which are changed shall be in as compact form as possible. This subsection does not apply to changes in aldermanic districts authorized under sub. (4m).

(4m) If in a city that is solely contained within one county the aldermanic districts are coterminous with the supervisory districts of the county and the county board decreases the number of supervisors in the county after enactment of a redistricting plan under s. 59.10 (3) (cm), the common council of the city may, by a majority vote of the council, no later than November 15 immediately preceding the expiration of the terms of office of members of the council, decrease the number of aldermanic districts and the corresponding number of members of the council in the city to maintain coterminous boundaries between the aldermanic and supervisory districts and may change the expiration date of the term of any council member to an earlier date than the date provided under the current ordinance if required to implement the redistricting or to maintain classes of members.

(5) If a city fails to comply with sub. (1), any elector of the city may submit to the circuit court for any county in which the city is located within 14 days from the expiration of the 60-day period under sub. (1) a proposed plan for creation of aldermanic districts in compliance with this section. If the court finds that the existing division of the city into aldermanic districts fails to comply with this section, it shall review the plan submitted by the petitioner and after reasonable notice to the city may promulgate the plan, or any other plan in compliance with this section, as a temporary aldermanic district plan until superseded by a districting plan adopted by the council in compliance with this section.

History: 1971 c. 304, 336; 1973 c. 12; 1979 c. 260; 1981 c. 4; 1985 a. 304; 1991 a. 316; 2005 a. 100.

B: Web Sites

<http://www.legis.wisconsin.gov/ltsb/redistricting>

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Wisconsin Legislative Redistricting

In Wisconsin, responsibility for redrawing legislative and congressional district lines rests with the legislature. The legislature is required to redraw legislative and congressional districts every ten years based upon the results of the decennial federal census.

Despite changes in redistricting technology and uncertainty about judicial standards, the purpose of redistricting and the end result remain unchanged -- that is, the establishment of election districts which provide representational equality for all potential voters.

As the Wisconsin Legislature prepares for redistricting, this site will aim to provide Legislators and other interested persons with information related to redistricting in Wisconsin.

Questions about Redistricting? Email us at gis@legis.wisconsin.gov

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Strength in Numbers

[Your Guide to Census 2010 Redistricting Data From the U.S. Census Bureau \[PDF\]](#)

This booklet provides a historical record of the activities and data involved with the U.S. Census Bureau's Redistricting Data Program for the 2010 Census. In addition to providing a background of the role of the U.S. Census Bureau in redistricting and apportionment, this document goes on to detail specifics about the participation of states and the data products produced specifically for the 2010 Census. This compilation of information in a single source document gives an authoritative source of information about how the 2010 Census Redistricting Data Program was conducted.

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The Census Bureau will make available the 2010 Census Redistricting Data [P.L. 94-171] Summary Files and the geographic support products through links on the "Data" page of this website. Products will be posted on a flow basis by state. To access these links, please select the "[Data](#)" tab at the top of this page. Each product type will be listed as a link on the left side of the "Data" page.

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Research Bulletins

- RB-04-1 Wisconsin Legislative District Almanac. April 2004
- RB-06-2 Issues in Administering the Death Penalty. October 2006
- RB-10-1 Summary of the 2009-2010 Wisconsin Legislative Session. July 2010

Informational Bulletins

- IB-08-1 Fair Employment, Antidiscrimination, and Worker Protection Laws in Wisconsin. February 2008
- IB-08-2 Wisconsin's Role in Electing the President. February 2008
- IB-08-4 Ask the LRB. December 2008. Revised November 2010
- IB-09-1 A Study Guide to the 2009-2010 Wisconsin Blue Book. September 2009
- IB-09-2 Inside the 2009-2010 Wisconsin Blue Book. September 2009
- IB-10-1 2011 Legislative Session Fiscal Estimate Manual. November 2010
- IB-11-1 Guidelines for Adjusting Municipal Wards Following the 2010 Federal Census. March 2011

Wisconsin Briefs

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- Brief 08-6 Protecting Children from Unsafe Products. May 2008
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- Brief 11-4 Constitutional Amendments Given "First Consideration" Approval by the 2009 Wisconsin Legislature. January 2011

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Legislative Briefs

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- Brief 10-1 Human Growth and Development Instruction – 2009 Act 134. March 2010
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