

GREEN BAY METROPOLITAN SEWERAGE DISTRICT
PROCEEDINGS OF THE COMMISSION

Regular meeting of the Commission held February 23, 2009.

PRESENT: Commissioners Alesch, Hasselblad, Mainz, Zabel, and Scheberle

ALSO PRESENT: T. Sigmund, P. McCarthy, D. Busch, P. Kaster, T. Woodworth, M. Pierner, W. Angoli, J. Kennedy, J. Christ, L. Evenson, D. Cawley, M. Kersten, J. Czypinski, D. Lefebvre, M. Erschnig, B. Wydeven, P. Willems, R. Marcott, K. Johnson, M. Gardner, J. Van Sistine, J. Nicks–Legal Counsel

Commission President Alesch called the meeting to order at 8:30 a.m.

1) Approval of minutes of Commission meeting held January 26, 2009.

Motion #09-011

It was moved by Mainz, seconded by Hasselblad, and unanimously agreed to approve the January 26, 2009 minutes as distributed.

2) Financial statements:

a) Preliminary year-end

T. Woodworth reviewed the preliminary year-end financials. He stated the auditors were on-site the first week of February and will present their report next month. He reported a \$200,000 positive variance in revenues and an \$874,000 positive variance in expenditures for 2008. He stated \$400,000 was transferred from the rate stabilization fund in 2008.

Commissioner Mainz asked staff to modify the financial statements to show a row relative to dollars that were transferred throughout the year.

T. Woodworth reported an appraisal was done on both facilities and the original combined value of both facilities at \$450,000,000 was under valued by \$80,000 - \$90,000 in replacement costs.

Commissioner Alesch stated approximately 10 years ago Black & Veatch reviewed how staff was amortizing GBMSD's assets and recommended altering the depreciation process to actual practice.

b) January

T. Woodworth reported revenues from GBMSD municipal customers were \$160,000 under budget by trending. He stated last year GBMSD experienced high volume in January so this year's budget was adjusted accordingly.

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3) Election of officers.

Motion #09-012

It was moved by Mainz, seconded by Zabel, to nominate D. Alesch for President, K. Hasselblad for Secretary, and T. Mainz, C. Zabel, and D. Scheberle for Vice-Presidents.

Motion #09-013

It was moved by Mainz, seconded by Scheberle, and unanimously agreed the slate be closed and approved as nominated.

4) Introduce new employee.

M. Erschnig introduced Bill Wydeven, GBMSD's new Mechanical Team Leader.

B. Wydeven stated he has been in the maintenance field for 29 years. He worked at Georgia-Pacific in Oshkosh and Green Bay, and is an experienced union millwright and industrial pipefitter. His wife is a court reporter at Bay Reporting and they have five children and one grandchild. He stated that he is learning a lot and is happy to be here.

D. Lefebvre introduced Paul Willems, Kevin Johnson, Mike Gardner, and Rick Marcott, who have all been recently hired full-time at GBMSD from the De Pere Facility.

P. Willems stated he worked for the City of De Pere for 28 years before the merger. He was hired at GBMSD as an Operator-in-Training and recently promoted to Team Leader. He is currently participating in a five month training program. He stated there is a lot to learn but it is going well and appreciates the opportunity.

K. Johnson stated he was hired for the Operator-in-Training position. He stated that 18 years ago he was employed at GBMSD as a limited term employee (LTE) and gave a report on the new plant at a Commission meeting. He stated he is glad to be back and grateful for the opportunity. He previously worked at the De Pere plant for 15 years.

M. Gardner stated he worked at GBMSD in 1987 as a summer intern and also for three years as an LTE during the plant upgrade. He worked at the De Pere plant for 15 years and is now working at GBMSD. He has been married for 19 years, has two children, and is happy to be working here again.

R. Marcott stated he attended a two-year technical program in La Crosse. He worked at Lawrence University for 7 years and at the De Pere plant for 17 years. He stated he is fortunate and happy to become a GBMSD employee.

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Commissioner Alesch stated the Commission is happy to have all of you on board.

- 5) Approve Resolution Authorizing the Issuance and Sale of up to \$10,460,782 General Obligation Sewerage System Promissory Notes, Series 2009 and Providing for Other Details and Covenants With Respect Thereto.**

T. Woodworth reported this is the Clean Water Fund Loan application for the RAS/WAS System Improvements Project. He stated if the Commission approves the resolution today, the State of Wisconsin has scheduled the note closing for March 11. The \$10,460,782 General Obligation Notes will be issued at the subsidized low interest rate of 2.668% over 20 years.

Commissioner Mainz asked if approving this resolution today will jeopardize any economic stimulus money. T. Sigmund replied no, because this project is not eligible.

Motion #09-014

It was moved by Mainz, seconded by Hasselblad, and unanimously agreed to approve the Resolution Authorizing the Issuance and Sale of up to \$10,460,782 General Obligation Sewerage System Promissory Notes, Series 2009 and Providing for Other Details and Covenants With Respect Thereto. (Resolution 09-001 is on file at the GBMSD offices.)

- 6) Approve Resolution authorizing investments in the State of Wisconsin Local Government Investment Pool.**

T. Woodworth reported GBMSD has utilized the State of Wisconsin Local Government Investment Pool (LGIP) for investing short term liquid funds and would like to update GBMSD officials authorized to deposit and withdraw funds from the LGIP.

Motion #09-015

It was moved by Mainz, seconded by Hasselblad, and unanimously agreed to approve the Resolution authorizing investments in the State of Wisconsin Local Government Investment Pool. (Resolution 09-002 is on file at the GBMSD offices.)

- 7) Request Commission approval of Amendment No. 6 to Task Order No. 2005-005-02 for AECOM to provide additional engineering services for wastewater conveyance from southern service area in the amount of \$117,000.**

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M. Pierner requested Commission approval to authorize AECOM, formerly Earth Tech, to provide additional engineering services to include relocating the facility to an alternate site and expanding the building to accommodate feeding alternate chemicals, adding a rain garden for storm water management, design of an alternate route to avoid railroad lands, and additional permit work requirements. He stated bidding services for conveyance and interceptor rehabilitation contracts and expert witness services regarding the Special Order issued to Eco Fibre are also included in this amendment.

Motion #09-016

It was moved by Hasselblad, seconded by Mainz, and unanimously agreed to approve Amendment No. 6 to Task Order No. 2005-005-02 for AECOM to provide additional engineering services for wastewater conveyance from southern service area in the amount of \$117,000.

- 8) Request Commission approval of Amendment No. 3 to Task Order No. 13 for CH2M Hill to provide additional engineering design services on the De Pere and Green Bay Facilities Design Project in the amount of \$30,200.**

W. Angoli stated that during project updates he has reported that additional design requirements are necessary for the De Pere and Green Bay Facilities. He reported CH2M Hill has been assisting staff in developing and evaluating solids loading and capacity for processing solids. This information is also being developed for the Biosolids Processing and Disposal Facilities Plan.

Motion #09-017

It was moved by Mainz, seconded by Hasselblad, and unanimously agreed to approve Amendment No. 3 to Task Order No. 13 for CH2M Hill to provide additional engineering design services on the De Pere and Green Bay Facilities Design Project in the amount of \$30,200.

- 9) Sewer plan approvals:**

M. Pierner requested Commission approval of the following sewer plans subject to favorable review by Brown County Planning and the Wisconsin Department of Natural Resources (WDNR).

- a) City of Green Bay 2009 Capital Sewer Projects; GBMSD Request 2009-02**

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The City of Green Bay has submitted its anticipated 2009 projects including the south branch Baird Creek Interceptor and reconstruction of sewers on Allard Street, Fifth Street, and Irwin Avenue. The City of Green Bay is requesting administrative approval and delegate technical review to GBMSD staff.

b) Village of Pulaski 09-01; GBMSD Request 2009-04

The Village of Pulaski is requesting installation of 705 ft. of sewer to serve the area recently annexed to GBMSD from the Village of Pulaski and Town of Angelica. He stated at this time GBMSD does not have a policy requiring property owners to hook up.

Motion #09-018

It was moved by Scheberle, seconded by Zabel, and unanimously agreed to approve the City of Green Bay 2009 Capital Sewer Projects and Village of Pulaski 09-01 sewer plan subject to favorable review by Brown County Planning and final approval by the WDNR.

10) Update of projects:

a) Consolidation Projects – General

P. McCarthy reported GBMSD sent the City of De Pere a termination notice for operating and maintaining the Better Brite Facility. GBMSD services will cease after March 31, 2009.

P. McCarthy reported staff is developing a recommendation on whether to eliminate the cyanide local limit.

b) Consolidation Projects – Treatment plants design phase

W. Angoli reported on February 12 GBMSD received three bids for the De Pere and Green Bay Facilities Upgrades Project. These bids are currently being reviewed by staff and CH2M Hill, and a recommendation will be presented to the Commission next month.

W. Angoli reported the Commission approved a \$100,000 contingency on the De Pere and Green Bay Facilities project. Work performed under the contingency included second stage treatment improvements, De Pere front gate replacement, and Fox River Fiber mill waste lift station process support in the amount of \$95,000.

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c) Consolidation Projects – Conveyance facilities design and construction phases

M. Pierner reported the Ashwaubenon Creek Interceptor – Segment 3 Project is substantially complete and final site restoration will be completed when weather permits in the spring.

M. Pierner reported staff recently reviewed a draft agreement, which includes the details of ownership, installation, and operation and maintenance responsibilities between Brown County, City of Green Bay, and GBMSD on the Fiber Optic Communication Link Project. Staff is also including an alternate bid item to install fiber optic along with the waste activated sludge lines to provide for a backup plan should problems be encountered completing the county-wide fiber network.

M. Pierner also reported final right-of-way acquisition and permit application work continues on the Waste Activated Sludge Interplant Pipelines Project. GBMSD has not yet obtained approvals from CN Railroad, Georgia-Pacific, and Green Bay Packaging. Staff will consider eminent domain rights.

d) RAS/WAS System Improvements Project

W. Angoli reported the contractor completed the installation of the RAS piping for the north basin, north side aeration system. The contractor's work from March through June will be limited during the wet weather period for plant operations.

11) Operation report:

a) Effluent quality for January

D. Busch reported both facilities have met effluent compliance for January. He reported TSS and C-BOD at the Green Bay Facility were similar to December, which is a little higher than normal. The Operating staff has significantly reduced the ammonia in the effluent when compared to December. Phosphorus is about the same as December with a significant reduction in the amount of ferric chloride being fed.

D. Busch stated a chart on air quality will be completed for the March meeting.

12) Legal Counsel report:

a) Procedures for Eco Fibre hearing

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Joe Nicks stated he will act as advisor, and Attorney John Heugel will represent GBMSD for the hearing on Special Order regarding Eco Fibre, Inc.

13) Executive Director's report:

a) March Commission meeting

The next regular meeting is scheduled for March 23 at 8:30 a.m. In addition, a hearing on the Special Order is scheduled for February 25, and a strategic planning workshop on March 6. The Management Team met with Eric Rothstein and drafted investments for Commission review.

b) Update on economic stimulus package

\$106,000,000 of the Federal stimulus package will be allocated to the Clean Water Fund for wastewater infrastructure in Wisconsin. Loan/grant commitments and signed construction contracts must be completed within 12 months to be eligible. GBMSD's wastewater treatment plant upgrade project has a high priority and may receive some grant funding. A concern in the Act is a provision that requires that iron, steel, and manufactured goods used in a project are produced in the United States unless a waiver is provided to the recipient by the EPA.

P. Kaster reported elected and appointed officials are considered employees under Chapter 102 of the Wisconsin Statutes and the Internal Revenue Service Quick Reference Guide for Public Employees. He stated Commissioners will receive a W2 at year-end.

14) Convene in closed session under State Statute 19.85 (1) (g) for the purpose of conferring with legal counsel for the Commission who is rendering oral or written advice concerning strategy to be adopted by the Commission with respect to litigation in which it is or is likely to become involved, and under 19.85 (1)(c) for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility:

- a) DNR air issues**
- b) Fox River PCB settlement**
- c) Fox River PCB insurance coverage issues**
- d) Status report on Rockland appeal of De Pere annexation**
- e) Personnel**

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Motion #09-019

It was moved by Mainz, seconded by Hasselblad, and unanimously agreed to convene in closed session under State Statute 19.85 (1) (g) for the purpose of conferring with legal counsel for the Commission who is rendering oral or written advice concerning strategy to be adopted by the Commission with respect to litigation in which it is or is likely to become involved.

15) Reconvene in open session.

Motion #09-020

It was moved by Mainz, seconded by Scheberle, and unanimously agreed to reconvene in open session.

There being no further business to come before the Commission, the meeting adjourned at 10:45 a.m.

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Secretary