

GREEN BAY METROPOLITAN SEWERAGE DISTRICT

PROCEEDINGS OF THE COMMISSION

The regular meeting of the Commission was held via Zoom videoconference on June 26, 2024.

PRESENT: Commissioners Blumreich, Mainz, Danen and Tumpach.

ABSENT: Commissioner Hasselblad

ALSO PRESENT: T. Sigmund, B. Clausen, N. Qualls, E. Tietzen, P. Wescott, B. Angoli, E. Houghton, G. Ashauer, J. Becken, J. Smudde, J. Valenta, K. Verbeten, P. Smits, R. Bach, R. Brown, S. Thieszen, T. Biese, J. Smies – Legal Counsel.

Commission Secretary Blumreich called the meeting to order at 8:29 a.m.

1) **Safety Moment.**

T. Sigmund gave a safety update on firework safety.

2) **Approval of minutes of Commission meeting held May 22, 2024.**

Motion #24-037

It was moved by Blumreich, seconded by Danen, and unanimously agreed to approve the May 22, 2024, meeting minutes as distributed.

3) **Introduce new employees, Wyatt Wert and Sarah Fidler.**

P. Smits introduced Wyatt Wert to the Commission. Wyatt started with NEW Water, the brand of the Green Bay Metropolitan Sewerage District in late April as an Electrical/Instrumentation Technician, and has been enjoying his time with NEW Water so far.

E. Tietzen introduced Sarah Fidler, NEW Water's new Human Resource Assistant, who gave us some background on her education and time with the Green Bay Water Utility. The Commission welcomed both Wyatt and Sarah.

4) **Request Commission approval of the Wisconsin Deferred Compensation Secure 2.0 Plan Provision Updates.**

E. Tietzen stated NEW Water participates in the Wisconsin Deferred Compensation (WDC) Program as a supplemental retirement benefit offering. This 457 deferred compensation plan allows employees to save money directly from their paychecks for retirement and offers tax benefits and different investment options. As this plan is regulated by the Internal Revenue Code, our WDC plans are subject to the Secure 2.0 Act that was passed in late 2022. Many provisions do not impact our WDC Plans, however, there is a Qualified Disaster Recovery Distributions Provision that allows for plan distribution

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related to all federally declared disasters that would allow participants to pull up to \$22,000 of their funds without an early distribution penalty. Empower does expect plan sponsors to be able to implement a formal loan program for federally declared disasters at a future date.

Motion #24-038

It was moved by Danen, seconded by Tumpach, and unanimously agreed to the addition of the Secure 2.0 Act Section 331 Qualified Disaster Recovery Distribution provision to our Wisconsin Deferred Compensation Program.

5) Request Commission approval of resolutions for the acceptance of the 2023 Compliance Maintenance Annual Reports for the Green Bay and De Pere Facility.

K. Verbeten detailed the Compliance Maintenance Annual Report for both the Green Bay and De Pere Facilities and their corresponding scores. In 2023, both facilities generated a grade point average of 4.00. This puts NEW Water's response in the voluntary (good) range with no action required.

Motion #24-039

It was moved by Danen, seconded by Tumpach, and unanimously agreed to approve a resolution for the acceptance of the 2023 Compliance Maintenance Annual Reports for the Green Bay and De Pere Facilities. (Resolution #24-006 is on file at NEW Water offices)

6) Request Commission approval to increase the contingency of the East River Lift Station and Force Main Improvement Project #230014 by \$41,725.

L. Sarau stated the East River Lift Station (ERLS) is the largest lift station in NEW Water's service area, and it currently does not have a backup generator. Donohue & Associates provided an evaluation to the NEW Water design team related to the backup power to the ERLS that included information on the generator's size, fuel source, connection alternatives, and site improvements. NEW Water suggests that the diesel generator be located inside of a building to help control noise impact from the surrounding residential area, protect the equipment, and provide an improved aesthetic to the site when compared to other screening options. Design services for a generator building are outside the original scope of work. Donohue is requesting an additional \$41,725 to provide design services for the generator building. Given the project is in the early stages, staff deems it appropriate to restore the contingency amount by the amount requested for the building design.

Motion #24-040

It was moved by Danen, seconded by Tumpach, and unanimously agreed to increase the contingency for the East River Lift Station and Force Main Improvements Project by \$41,725 for a total authorized contingency of \$86,225 to be administered under the authority of the Executive Director.

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- 7) **Request Commission approval to amend the Resolution Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing for the Green Bay Facility Thickening Improvements Project and revise the not to exceed amount from \$16,500,000 to \$27,500,000.**

N. Qualls stated in September 2021, the Commission passed a resolution declaring NEW Water's intent to provide interim funding for the Green Bay Facility Thickening Improvements Project and to declare the intent to provide reimbursement to NEW Water for capital project expenditures made before the issuance of the Clean Water Fund Program tax-exempt bonds. When originally passed, the amount was not to exceed \$16,500,000. With bids for this construction project now received, the total project cost is now estimated to be \$27,500,000. This is a result of expanding the scope of the project, extended construction schedules, and current market conditions influencing construction and equipment costs.

Motion #24-041

It was moved by Danen, seconded by Tumpach, and unanimously agreed to the resolution declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing for the Green Bay Facility Thickening Improvements Project in the amount of \$27,500,000. (Resolution #24-007 is on file at NEW Water offices)

- 8) **Request Commission approval to award the construction contract for the Green Bay Facility Thickening Improvements Contract to August Winter & Sons, Inc. for the total amount of \$23,803,766.**

T. Biese stated the solids thickening process plays an essential role in reducing the volume of residuals and costs for subsequent processing and disposal. The 2022 Liquids Facility Plan identified several drivers to rehabilitate the existing solids thickening process. Those included the thickening and support equipment being over 30 years old and at the end of its useful life, and improvements to increase solids concentrations that will allow the Resource Recovery and Electrical Energy (R2E2) facilities to be reliably operated within their design capacities. NEW Water worked with Donohue & Associates and Black & Veatch during design to address existing aging infrastructure, capacity issues and increase operational flexibility. This project was publicly advertised and received two pre-qualified bids. NEW Water staff and the design engineer have reviewed the documentation and believe all bids to be responsive, competitive, and capable of performing the qualified work. NEW Water staff recommend awarding the construction contract to the low bidder, August Winter & Sons, Inc.

Motion #24-042

It was moved by Danen, seconded by Tumpach, and unanimously agreed to award the construction contract for the Green Bay Facility Thickening Improvements #210031-CO to August Winter & Sons, Inc.

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in the amount of \$21,639,766 with a 10% contingency of \$2,164,000 to be administered under the authority of the Executive Director for a total amount of \$23,803,766.

At 8:44 a.m. Commissioner Mainz joined the meeting.

- 9) **Request Commission approval to enter into an agreement with Donohue & Associates to provide engineering services during the construction of the Green Bay Facility Thickening Improvements Project in the total amount of \$2,488,087.**

T. Biese stated NEW Water staff negotiated with Donohue & Associates and Black & Veatch to provide professional engineering services associated with the construction of the Green Bay Facility Thickening Improvements Project. This project is expected to span nearly four years and will require complex process coordination. The Donohue and Black & Veatch Team are uniquely positioned to provide these services because of their detailed knowledge of the project and have regularly provided these services for NEW Water. Staff found the agreement, scope, and related costs to be appropriate for the work required to deliver the project.

Motion #24-043

It was moved by Mainz, seconded by Danen, and unanimously agreed to enter into a contractual agreement with Donohue & Associates, Inc. to provide engineering services during construction for the Green Bay Facility Thickening Improvements Projects in the amount of \$2,261,887 and a 10% contingency of \$226,200 for a total amount of \$2,488,087 to be administered under the authority of the Executive Director.

- 10) **Request Commission approval to award the De Pere Facility Pumping and Headworks – Screen Equipment Procurement to Headworks, Inc. for the total amount of \$501,905.**

T. Biese stated on March 27, 2024, the Commission approved an increase in the contingency of the De Pere Pumping & Headworks Project to accommodate design work to include an equipment procurement phase of the project. This equipment purchase approach was necessary to secure funding for the project through the Clean Water Fund Program before rule changes in the 2025 fiscal year. The equipment purchase was publicly advertised for the De Pere Facility – Pump Station and Headworks Project – Screening Equipment Procurement and received three bids from equipment manufacturers. Staff is recommending Headworks, Inc. be awarded the contract.

Motion #24-044

It was moved by Mainz, seconded by Blumreich, and unanimously agreed to enter into a contractual agreement with Headworks, Inc. for the purchase of screening equipment for the De Pere Facility – Pump

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Station and Headworks Project in the amount of \$456,305 and a 10% Contingency of \$45,600 under the authority of the Executive Director for the total amount of \$501,905.

11) Request Commission approval to award the De Pere Facility Pumping and Headworks – Influent Pumps Procurement to LAI, Ltd. for the total amount of \$1,372,800.

T. Biese stated on March 27, 2024, the Commission approved an increase in the contingency of the De Pere Pumping & Headworks Project to accommodate design work to include an equipment procurement phase of the project. This equipment purchase approach was necessary to secure funding for the project through the Clean Water Fund Program before rule changes in the 2025 fiscal year. The equipment purchase was publicly advertised for the De Pere Facility – Pump Station and Headworks Project – Influent Pumps Procurement and received two bids from equipment manufacturers. Staff is recommending LAI, Ltd. be awarded the contract.

Motion #24-045

It was moved by Mainz, seconded by Blumreich, and unanimously agreed to enter into a contractual agreement with LAI, Ltd. for the purchase of influent pumps for the De Pere Facility – Pump Station and Headworks in the amount of \$1,248,000 and a 10% contingency of \$124,800 under the authority of the Executive Director for a total amount of \$1,372,800.

12) Request Commission approval of Work Charge Directive No. 4 for the Green Bay Facility North Plant Clarifier Rehabilitation Project #18-020-CO in the total amount of \$207,640.59

B. Brown stated the North Plant Clarifier construction contract approved in July of 2023 incorporated a bid alternative for pumping equipment. After review, staff selected Hayward Gordon pumps over Trillium-Wemco units resulting in a project cost reduction of \$364,000. As preparation for construction progressed, it became clear the equipment configuration would not allow the new pumps to land completely on existing equipment pads. Staff deemed the most beneficial resolution to this issue would be the complete replacement of the pads. Actual expenses will be recorded as the work is performed and likely captured in multiple change orders over the span of two years. Even with these charges, cost savings from the selection of alternative pumping equipment will be substantial.

Motion #24-046

It was moved by Mainz, seconded by Blumreich, and unanimously agreed to the approval of the North Plant Clarifier Rehabilitation Project Work Charge Directive No. 4 for a total cost of \$207,640.59.

13) Request Commission approval to enter into an agreement with Strand Associates to provide design services for the Green Bay Facility Administration Building Air Handler Replacement Project in the total amount of \$105,000.

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B. Brown stated several heating, ventilating, and air condition systems within the Green Bay Facility Administration Building were not replaced during the major 2012 HVAC Project. Other systems that were replaced or altered now require attention due to changing facility needs or other operational considerations. Strand Associates had design improvements for critical HVAC equipment that serves the Green Bay Data Center, and a bid for the work was received in early 2024. Staff opted to reject the bid at the time due to higher-than-anticipated costs, but the concerns still need to be addressed. At the request of NEW Water, Strand developed an agreement to incorporate previously designed scope elements into a more comprehensive set of bidding documents.

Motion #24-047

It was moved by Mainz, seconded by Blumreich, and unanimously approved to enter into an agreement with Strand Associates to provide professional services for the Administration Building Air Handling Unit Replacement Project for \$95,400 with a 10% contingency of \$9,600 under the authority of the Executive Director for a total authorized amount of \$105,500.

14) Request Commission approval for the addition of an Operator I apprenticeship program in the Treatment Department and the associated revision to the organizational chart.

P. Wescott stated NEW Water staff is requesting Commission approval for the addition of an Operator I apprenticeship program in the 2025 budget. The request includes adding two Operator I non-exempt positions at a pay grade 7, which is the same pay grade as two existing NEW Water apprenticeship positions, and would report directly to the Treatment Manager. This request would add approximately \$140,000 to the 2025 Salaries and Benefits budget. The need to have staff around the clock has led to retention issues that resulted in the Treatment Department experiencing the highest turnover rate in the organization. While NEW Water does manage the turnover rate with diligent planning and forecasting to ensure there is enough staff to operate the facilities, the wastewater industry as a whole is experiencing a lack of qualified candidates to choose from. The Operator I apprenticeship program would make it possible to hire a good candidate, build hands-on job skills, and develop the knowledge and abilities needed for an Operator to be successful at NEW Water.

Motion #24-048

It was moved by Mainz, seconded by Blumreich, and unanimously agreed to the approval to add an Operator I apprenticeship program in the Treatment Department. Approval would include the addition of \$140,000.00 (2024 estimate) to the 2025 Salaries and Benefits budget and associate revision to the organizational chart for the Treatment Department.

15) Convene in closed session under State Statute 19.85(1)(e) for the purpose of deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session and State Statute 19.85(1)(g) for the purpose of conferring with legal counsel for the

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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:

- a) **Litigation involving Bayview Interceptor.**
- b) **Potential litigation resulting from environmental testing by significant industrial user.**
- c) **Potential transfer of certain interceptor segments pursuant to Section 5.05 of the Sewer Use Ordinance to a municipality.**

Motion #24-049

It was moved by Blumreich, seconded by Mainz, and unanimously agreed to convene in closed session under State Statute 19.85(1)(e) for the purpose of deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session and 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.

16) Reconvene in open session.

Motion #24-050

It was moved by Blumreich, seconded by Danen, and unanimously agreed to reconvene in open session.

17) Update of Projects:

a) GBF Service Water System Improvements.

B.Brown stated that anticipated MCC delivery problems were resolved and the equipment is onsite. Installation of equipment and piping on the north side is ongoing, with startup of that system targeted for July 24.

b) GBF North Plant Clarifier Rehabilitation.

B. Brown stated initiation of construction activity was delayed because NEW Water required the contractor to secure all essential parts and equipment onsite before taking a clarifier out of service. After confirmation of the necessary inventory, demolition activity on Primary Clarifier #3 started on June 17.

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18) Executive Director Search Update.

E. Tietyen stated the Executive Director position was posted on May 24th, and had already received 17 applications, and the ad hoc recruitment team has met to review the initial pool of qualified applicants. This committee plans to proceed with the first round virtual screening of the three external applicants. The results will be used to identify the best list of qualified candidate for the Commissioners consideration. The ideal timeline is to have recommendations presented for in-person interview candidates for early to mid-July and conduct in-person interviews with the targeted candidates for August 2024.

19) May 2024 Financials.

C. Mueller reported that May's operating revenues were favorable to budget due to higher BOD & TSS loadings. Year to date, total operating revenues were favorable to budget due to mill revenue being below budget.

May's operating expenses were favorable to budget due to fewer expenditures than budget in contracted services, chemicals, salaries and benefits, and plant maintenance. Year to date, operating expenses were favorable to budget from fewer expenditures than budgeted in contracted services, salaries and benefits, and administrative and information technology.

20) May 2024 Operations report.

Heavy rainfall on May 26th and 27th resulted in high flows at both the Green Bay and De Pere treatment facilities. The elevated flows at the De Pere Facility resulted in a partial diversion of flow around the UV disinfection system and caused suspended solids carry over from the final clarifiers. The solids carryover resulted in elevated Total Suspended Solids (TSS) levels being discharged into the Fox River. This partial diversion around the UV disinfection system lasted seven minutes. The elevated TSS levels lasted approximately six hours before operating crews were able to bring the plant back into compliance. The Wisconsin Department of Natural Resources was notified of the UV disinfection system partial diversion and the elevated daily TSS value in a timely matter. Staff completed an after-action review to understand the events that led to the exceedance. Corrective actions have been developed and are actively being implemented to prevent reoccurrence.

The Green Bay Facility was in compliance with air quality limits for the month of May.

For the month of May, the solids processing facility generated 1,413 MWH of electricity. Total bio-gas volume recovered was 175,401 CCF. This is just over 99% of the total volume produced. The remaining bio-gas volume was sent through the waste gas flare. NEW Water received 395,120 gallons of high-strength waste

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21) Executive Director's Report:

a) July Commission Meeting.

The next meeting will be held on July 31, 2024, at 8:30 a.m. via hybrid meeting.

b) Long-Term Disability Plan Renewal.

New York Life, NEW Water's plan provider for Long Term Disability, provided NEW Water with a renewal with a 0% increase in premium with a 30-day rate guarantee. The next renewal date will be on January 1, 2027.

c) 2023 Annual Report

The 2023 NEW Water Annual Report is complete, a link was provided.

d) Interstate 41 Ninth Street Interceptor Relocation Project.

At the May meeting, the Commission delegated authority to the Executive Director to award the Interstate 41 Ninth Street Interceptor Relocation Project if the bid price did not exceed the engineer's estimate by more than 20%. On June 6th, five bids were received and the lowest bid of \$574,306.80 from PTS Contractors, Inc. was well below the engineer's estimate of \$917,645. The engineer provided a letter of recommendation to award and the construction contract has been awarded to PTS Contractors, Inc.

e) NEW Water preparation for the 2025 NFL Draft.

NEW Water has convened an internal NFL Draft Preparation Team to manage and prepare for the wastewater conveyance and treatment anticipated changes due to the influx of visitors in the area as a result of the 2025 NFL Draft.

f) WDNR Board and Staff Tour of the Green Bay Facility.

NEW Water hosted a publicly noticed tour with the Wisconsin Natural Resources Board and staff from the Wisconsin Department of Natural Resources on June 25.

There being no further business to come before the Commission, the meeting adjourned at 10:42 a.m.

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A handwritten signature in black ink, appearing to read "Thomas M. Kelly", is written over a horizontal line. The signature is stylized and cursive.

Vice President