

GREEN BAY METROPOLITAN SEWERAGE DISTRICT
PROCEEDINGS OF THE COMMISSION

Regular meeting of the Commission held March 22, 2010.

PRESENT: Commissioners Alesch, Hasselblad, Scheberle, and Mainz (via telephone)

EXCUSED: Commissioner Zabel

ALSO PRESENT: T. Sigmund, P. Kaster, D. Busch, W. Angoli, M. Pierner, M. Diaz, W. Oldenburg, D. Lefebvre, P. Willems, M. Hooker, D. Hanson, J. Christ, J. Czynski, J. Kennedy, L. Evenson, B. Vander Loop, D. Cawley, M. Kersten, M. Erschnig, J. Van Sistine, J. Nicks—Legal Counsel; S. Thoresen—City of De Pere

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

1) Introduce the new Accounting Manager, Maridey Diaz.

P. Kaster introduced Maridey Diaz, GBMSD's new Accounting Manager.

M. Diaz stated that she is happy to be here. She stated that she was previously living in Ohio and moved to the Appleton area last November. She has experience in financial planning, reporting, general ledger, and month-end closing.

The Commission welcomed her.

2) Approval of minutes of Commission meetings held February 15 and March 10, 2010.

Motion #10-019

It was moved by Hasselblad, seconded by Scheberle, and unanimously agreed to approve the February 15 and March 10, 2010 minutes as distributed.

3) January financials.

P. Kaster presented the January financials. He stated the income statement has been revised to include an over/under budget column to replace a percentage change variance column for clarity purposes. He reported the January financials were within 1 – 2% of the budgeted amounts. The City of Green Bay, Villages of Allouez and Howard, Town of Scott, and Procter & Gamble's revenues were below budget. He reported that salaries and benefits were under budget due to three positions not yet filled.

4) Request Commission approval of the Rate Stabilization Reserve Financial Policy.

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P. Kaster reported the Rate Stabilization Reserve will maintain excess budgetary amounts, as determined with year-end accounting, for budgetary use to offset rates in future year(s).

Motion #10-020

It was moved by Hasselblad, seconded by Scheberle, and unanimously agreed to approve the Rate Stabilization Reserve Financial Policy. (See Commission File #10-001 for the Financial Policy.)

5) Request Commission Approval of Amendment No. 1 to an agreement with Galardi Rothstein Group to provide consulting services for the Solids Management Plan.

T. Sigmund reported that GBMSD hired Galardi Rothstein Group in January 2009 to assist staff and CH2M Hill on the development of evaluation criteria and financial aspects of the Solids Management Plan. He stated that Eric Rothstein has been working with the team to ensure the Solids Management Plan is in alignment with GBMSD's Strategic Plan and to make certain the alternative evaluation process is kept objective and in present worth costs.

Commissioner Mainz joined the meeting by telephone at 8:42 a.m.

W. Angoli stated that staff plans to visit some facilities to see the different processes and learn what is working well and any problems or concerns they may have.

Motion #10-021

It was moved by Hasselblad, seconded by Scheberle, and unanimously agreed to approve Amendment No. 1 to an agreement with Galardi Rothstein Group to provide consulting services for the Solids Management Plan.

6) Adopt Retirement Resolution for Alan Meindl.

T. Sigmund stated that Alan Meindl is a Maintenance Manager at the De Pere Facility and will be retiring on April 2. Mr. Meindl was unable to be here today.

M. Kersten stated that it has been a real pleasure working with Alan Meindl. He stated that ten years ago Mr. Meindl came out of retirement from Georgia-Pacific to work at the De Pere Facility. Mr. Meindl is a dedicated, knowledgeable, and an amazing man who will soon be turning 80 years old. Mr. Meindl has done a great job and has been very helpful during the transition period.

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Motion #10-022

It was moved by Scheberle, seconded by Hasselblad, and unanimously agreed to adopt the Retirement Resolution for Alan Meindl. (Resolution #10-001 is on file at the GBMSD offices.)

**7) Recognition of 30 years:
a) Paul Willems**

D. Lefebvre stated that Paul Willems previously worked at the De Pere Wastewater Treatment Facility before coming to GBMSD. Mr. Willems is one of three Treatment Leaders and has guided us through the transition period.

P. Willems stated that he has worked at the De Pere Wastewater Treatment Facility for 28 years. He began his employment at GBMSD as an Operator-in-Training and is now a Treatment Leader. He stated that he likes his job, works hard, and has a lot to learn.

The Commission congratulated him.

8) Request Commission approval of a Resolution to transfer the property insurance coverage to the Local Government Property Insurance Fund.

P. Kaster reported that GBMSD will be transferring its property insurance to the Local Government Property Insurance Fund (LGPIF) as of April 1, 2010. He stated the LGPIF requires the Commission to approve a resolution for insurance coverage. The LGPIF property insurance will cover the buildings and its contents and the other insurable interests will be covered under Wausau Insurance/Hartford. The LGPIF is self-funded through its members.

Motion #10-023

It was moved by Scheberle, seconded by Hasselblad, and unanimously agreed to approve a Resolution to transfer the property insurance coverage to the Local Government Property Insurance Fund subject to the Executive Director's concurrence as to the impact of the mutual obligation section. (Resolution #10-002 is on file at the GBMSD offices.)

9) Request Commission approval of a Relocation Order for interceptor sewer relocation work required to allow reconstruction of U.S.H. 29 and U.S.H. 41.

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M. Pierner reported the relocation of the Beaver Dam Creek Interceptor is part of Phase I per GBMSD's recently completed facility plan. He stated that GBMSD must issue and file a Relocation Order with the Brown County Clerk. Staff recommends approval.

J. Nicks stated this document does not commit GBMSD to proceed with construction or to commit GBMSD to an agreement with the Wisconsin Department of Transportation. He stated this process has a limited purpose and is a precondition to condemnation proceedings.

Motion #10-024

It was moved by Hasselblad, seconded by Scheberle, and unanimously agreed to approve a Relocation Order for interceptor sewer relocation work required to allow reconstruction of U.S.H. 29 and U.S.H. 41.

10) Sewer plan approvals:

a) Village of Howard A06022; GBMSD Request 2010-04

The Village of Howard is requesting replacement of sewers in preparation of reconstruction work on Velp Avenue.

b) Village of Howard 09003; GBMSD Request 2010-05

The Village of Howard is requesting a short sewer extension to serve 13 acres of residential land.

c) City of De Pere CTH PP; GBMSD Request 2010-06

The City of De Pere is requesting a sewer extension to serve 11 acres of industrial land on CTH PP.

d) Village of Allouez 2010A; GBMSD Request 2010-07

The Village of Allouez is requesting to replace a sewer near Riverside Drive and Highway 172.

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

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M. Pierner also requested the City of De Pere CTH PP sewer plan be subject to the Town of Ledgeview granting the City of De Pere approval to use Viking Lane, payment of \$34,349.79 for interceptor capacity allocation, and receipt of a City of De Pere basin study of planned service via the Swan Road Interceptor system. He stated prior to the consolidation of GBMSD and De Pere, some areas in De Pere were hooked up without GBMSD's knowledge.

S. Thoresen from the City of De Pere questioned why GBMSD is extending conditions to this sewer extension that is already being served by a previous lift station with flow to the De Pere treatment plant. He stated that GBMSD should treat this sewer extension request as an existing sewer. He stated that the City of De Pere will need to get DNR approval, which may take several months with the inclusion of the conditions recommended.

J. Nicks from Godfrey & Kahn stated that there has been quite a bit of confusion regarding this area. He stated there was a dispute between GBMSD and De Pere in 2006 and up until the annexation agreement regarding the construction of the school and how De Pere proceeded with connecting to GBMSD. He stated it must be clarified what areas are being served and what has been paid for. He recommended the Commission approve the sewer extension with the contingencies recommended by staff. He stated that GBMSD applies its policies uniformly.

Commissioner Alesch stated that he would like to see this issue resolved quickly so De Pere does not lose the building period. He asked staff to apprise the Commission regarding this situation at the next meeting.

Motion #10-025

It was moved by Mainz, seconded by Hasselblad, and unanimously agreed to approve the Village of Howard A06022 and 09003, City of De Pere CTH PP, and the Village of Allouez 2010A sewer plans subject to favorable review by Brown County Planning and final approval by the WDNR, and the City of De Pere CTH PP sewer plan is also contingent upon the Town of Ledgeview granting the City of De Pere approval to use Viking Lane, payment of \$34,349.79 for interceptor capacity allocation, and receipt of a City of De Pere basin study of planned service via the Swan Road Interceptor system.

11) Pretreatment update.

W. Oldenburg reported that two industries were in Significant Noncompliance for 2009 and their names will be published in the Green Bay Press-Gazette per state and federal regulations. He reported two industries received Notices of Violation, and two industries received Notices of Noncompliance for 2009.

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12) Update of projects:

a) Consolidation Projects – General

M. Pierner reported that staff is focusing on start up of conveyance of the waste activated sludge and industrial waste from the De Pere Facility scheduled for mid April. He stated a meeting is scheduled tomorrow with the City of De Pere and the two mills discharging to the West Side Interceptor to discuss steps to reduce H₂S concentrations in downstream sewers.

Commissioner Alesch asked staff to prepare graphics showing the atmospheric conditions in the Ninth Street Interceptor for the next Commission meeting.

M. Pierner reported the contract for Phase II of the Ninth Street Interceptor and Ashwaubenon Creek Interceptor rehabilitation will be bid in early April and award of a contract will be requested at the April meeting.

M. Pierner reported the two De Pere siphon pipes were found to be in their original construction position. Staff will now focus on the next phase of the condition analysis, which will likely include cleaning and a detailed condition assessment.

b) Consolidation Projects – Treatment plants construction phase

c) Consolidation Projects – Conveyance facilities

d) RAS/WAS System Improvements Project

e) Solids Management Plan

13) Operation report:

a) Effluent quality for February

b) Air quality for February

D. Busch reported both facilities were in compliance with effluent and air quality limits for February. He stated the De Pere Facility was challenged early in February with meeting the Carbonaceous Biochemical Oxygen Demand permit limit of 9.0 mg/L. Staff discovered the dissolved oxygen level at the influent of the aeration basins was much lower than normal. Operational changes were made to increase the dissolved oxygen and performance returned to normal by the end of the month.

14) Legal Counsel report:

a) None

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15) Executive Director's report:

a) April Commission meeting

The next Commission meeting is scheduled for April 26 at 8:30 a.m. The Solids Management Plan will be presented at the meeting.

b) Town of Ledgeview credit

Staff has identified errors from January 2006 through December 2009 caused by new sanitary sewer lateral connections not reported to GBMSD. The Town of Ledgeview was overbilled and will be reimbursed.

c) 2010 out-of-area travel

Staff usually provides the Commission with a copy of the proposed 2010 out-of-area travel at the first budget workshop. Staff neglected to do that, so a copy was provided in the Commission packet.

d) NR 217 proposed revisions – phosphorus

The DNR staff has proposed to move forward with revisions to NR 217 relating to phosphorus. The Natural Resources Board gave DNR staff permission to hold a public hearing. GBMSD will provide written and oral comments at a hearing in Green Bay in April. The impact of the rule change is to eventually reduce the phosphorus limit from 1.0 mg/L to as low as 0.1 mg/L. The rule is very significant and will cost Wisconsin municipal wastewater treatment plants between \$1.8 billion to \$4.3 billion. There is also language regarding an adaptive management approach that would phase in implementation of the 0.1 mg/L limit through a compliance schedule of up to three permit terms (15 years). Trading is also a possible option. Staff has concerns regarding emphasis on point sources without similar attention to nonpoint sources. For this reason GBMSD supported the proposed changes to NR 151.

The Commission suggested staff inform GBMSD's customers and legislature regarding the impact of the proposed rule change and to contact local environmental groups regarding the trading option.

e) NACWA 2010 National Environmental Policy Forum

f) NACWA 2010 Summer Conference

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- 16) **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:**
- a) **Fox River PCB sediment issues**
 - b) **Fox River PCB insurance coverage issues**
 - c) **Status report on Rockland appeal of De Pere annexation**

Motion #10-026

It was moved by Hasselblad, seconded by Scheberle, 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.

- 17) **Reconvene in open session.**

Motion #10-027

It was moved by Hasselblad, 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 10:02 a.m.

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Secretary