

GREEN BAY METROPOLITAN SEWERAGE DISTRICT
PROCEEDINGS OF THE COMMISSION

Regular meeting of the Commission held December 14, 2010.

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

ALSO PRESENT: T. Sigmund, D. Busch, P. Kaster, M. Diaz, W. Angoli, M. Pierner, B. Vander Loop, J. Kennedy, B. Bartel, J. Cypinski, D. Cawley, S. Dequaine, M. Erschnig, J. Van Sistine, J. Nicks–Legal Counsel; M. Heckenlaible–City of Green Bay; C. Berndt–Village of Allouez

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

2) Approval of minutes of Commission meeting held November 22, 2010.

Motion #10-119

It was moved by Mainz, seconded by Hasselblad, and unanimously agreed to approve the November 22, 2010 minutes as distributed.

4) Election of officers.

Commissioner Mainz stated that he would move the existing slate of officers (Daniel Alesch–President; Kathryn Hasselblad–Secretary; and Thomas Mainz, Christopher Zabel, and Denise Scheberle–Vice Presidents).

Commissioner Scheberle arrived at 8:33 a.m.

Motion #10-120

It was moved by Mainz, seconded by Zabel, and unanimously agreed to approve the existing slate of officers.

1) Budget adoption.

Joe Nicks from Godfrey & Kahn stated that if the Commission is going to adopt a budget that varies from what was published, the state statutes require the budget to be adopted by two thirds of the governing body and be published 10 days afterwards.

Commissioner Mainz stated the Commission received good input on the budget and staff was responsive to the needs and comments received.

Commissioner Hasselblad stated it is imperative that staff has open conversations with GBMSD customers going forward.

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Commissioner Alesch commented on the significance of the current budget challenge. He stated the loss of several wet industries within GBMSD's service area has been dramatic. At the same time, the complexity of operating a modern, technologically sophisticated wastewater treatment plant continues to expand. And, dwindling reserves and interest income reductions are all elements in the rate increase. The Commission is deeply concerned about this situation and will do all that it can to minimize costs while maintaining the high degree of treatment efficiency that our customers expect.

Staff will distribute the 2011 budget to GBMSD customers.

Motion #10-121

It was moved by Mainz, seconded by Hasselblad, and unanimously agreed to adopt the 2011 budget.

3) Approve Resolution Authorizing the Issuance and Sale of up to \$3,246,148 General Obligation Sewerage System Promissory Notes, Series 2010B and Providing for Other Details and Covenants With Respect Thereto.

M. Diaz reported the Clean Water Fund Loan application is for funding of the two generators that will provide backup power critical to the plant processes in the event of a power failure at the Green Bay Facility. She reviewed preceding Commission approvals related to this project. She requested Commission approval of the General Obligation Note to start the process of closing the loan for the Electrical Generation Facility Project in the amount of \$3,246,148. She reported these notes will be issued at the subsidized low interest rate of 2.4% over 20 years. The note closing is scheduled for December 22, 2010.

Commissioner Alesch asked if staff negotiated with Wisconsin Public Service (WPS) on services. W. Angoli replied staff is in negotiations with WPS on a discount for interruptible services.

Commissioner Mainz asked if the generators have been tested. W. Angoli replied the generators are tested monthly. Commissioner Mainz asked if the generators have been used without WPS service. W. Angoli replied yes.

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Motion #10-122

It was moved by Mainz, seconded by Hasselblad, and unanimously agreed to approve Resolution Authorizing the Issuance and Sale of up to \$3,246,148 General Obligation Sewerage System Promissory Notes, Series 2010B and Providing for Other Details and Covenants With Respect Thereto. (Resolution #10-015 is on file at the GBMSD offices.)

5) Adopt retirement resolutions:

- a) **Timothy Vandermuss**
- b) **Rick Kirchenwitz**

Commissioner Alesch stated these two employees have done an amazing job. He read the resolutions and extended the Commission's deepest gratitude to these gentlemen.

D. Busch stated both of these employees have in excess of 34 years of service and have worked together on the same crew their entire career at GBMSD. These two individuals are very quiet, humble operators that did their jobs and did it well.

B. Bartel stated these two gentlemen have a lot of experience and will be missed.

T. Sigmund stated last year staff participated in a tabletop exercise for a disaster situation. These two employees provided their leadership and directed staff in what needed to be done. They will be missed.

Motion #10-123

It was moved by Scheberle, seconded by Hasselblad, and unanimously agreed to adopt retirement resolutions for Timothy Vandermuss and Rick Kirchenwitz. (Resolutions #10-016 and #10-017 are on file at the GBMSD offices.)

6) Request Commission approval of Amendment 1 to the Condition Assessment of De Pere Siphon Pipes – Phase 2 Project 10-613 to Elite Pipeline Services.

B. Vander Loop stated agenda items #6 & #7 are for the condition assessment of the De Pere siphon pipes. He stated #6 is requesting approval of Amendment 1 in the amount of \$3,225 for additional dewatering services due to the August 20 rainfall event.

Commissioner Mainz asked why this is GBMSD's responsibility. T. Sigmund replied GBMSD shares some risk up to a certain point for situations that happen which are out of anyone's control so contractors do not add cost to their bid for unforeseen situations.

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Commissioner Hasselblad asked staff to keep the Commission informed on any anticipated risk for GBMSD.

7) Request Commission approval of Amendment 1 to the Condition Assessment of De Pere Siphon Pipes – Phase 2 Project 09-508 to Jason Consultants Group.

B. Vander Loop stated this project experienced numerous delays and problems.

Commissioner Alesch stated his concern on the pipe condition under water is paramount.

T. Sigmund stated this phase of the project has become more complex and challenging. One of the contractors had to leave project site due to other contractual commitments, which delayed the project. He stated Jason Consultants Group has expended more effort on this project due to several factors.

B. Vander Loop stated staff is monitoring the field work. He stated a hydraulic study will be conducted this spring to find out how much more capacity is in the pipe.

T. Sigmund stated staff can bring this item back to the Commission in January.

Motion #10-124

It was moved by Meinz, seconded by Hasselblad, and unanimously agreed to approve Amendment 1 to the Condition Assessment of De Pere Siphon Pipes – Phase 2 Project 10-613 to Elite Pipeline Services in the amount of \$3,225 and tabled Amendment 1 to the Condition Assessment of De Pere Siphon Pipes – Phase 2 Project 09-508 to Jason Consultants Group until the January meeting.

8) Update of projects:

a) Consolidation Projects – Treatment plants construction phase

W. Angoli reported the painting contractor for this project has been replaced for not getting the work done in a timely fashion. The contractor is expecting legal action and has informed GBMSD that it may be included in this action.

b) Ninth Street and Ashwaubenon Creek Interceptor Rehabilitation – Phase 2

M. Pierner reported a faulty 66-inch cured-in-place liner was replaced. GBMSD plans to recover costs associated with contractor failure to collect heavy debris during sewer cleaning.

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- c) Raw Wastewater Pump Station Bar Screen Replacement**
- d) North Basin Complex Gate Replacement**

W. Angoli reported staff is finalizing the cost implications of the wet weather events for the Raw Wastewater Pump Station Bar Screen Replacement and North Basin Complex Gate Replacement projects.

- e) Pump Station Monitoring & Control Improvements**

W. Angoli stated this project will be closed out in January.

- f) WAS Thickening M&C Improvements**

W. Angoli stated there are mechanical issues with the GBT Filtrate Sample Pump and parts have been ordered.

- g) Electrical Generation Facility**

W. Angoli stated there are no issues at this time.

- h) Sludge Loading and Chemical Addition System**

W. Angoli reported the ARRA De Minimus review on the wall panels was transferred to a new reviewer. GBMSD should hear back from the Department of Natural Resources (DNR) and Environmental Protection Agency within the next two weeks.

- i) Solids Management Plan**

W. Angoli reported the Solids Management Plan has been submitted to the DNR for review and the DNR has 90 days to complete its review. A public hearing is tentatively scheduled for Thursday, January 13, 2011, at 1:30 p.m. The request for proposal will be sent to selected consultants in early January with submittal of the proposals requested by early February 2011.

Commissioner Scheberle asked staff to keep the Commission informed of any issues.

T. Sigmund stated a concern is where the loads are going to be for GBMSD's industrial customers or customers of GBMSD's municipalities.

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J. Nicks stated that the state statutes governing construction projects by a sewerage district do not require that design services go through a formal bidding process. However, contracts for actual construction of the project are subject to bid requirements.

j) Air permit update

J. Kennedy reported GBMSD's air operating permit requires a series of four stack tests to verify compliance with the existing State Code requirements and to demonstrate any changes in GBMSD's historical air emission resulting from the consolidation with the De Pere Facility. He stated the carbon monoxide limit results were a little higher than expected. Three more tests will be conducted.

J. Kennedy reported on ongoing negotiations with the DNR related to compliance with the secondary chamber 950° F requirement. Staff is evaluating a possible modification to current reporting procedures that will measure compliance against the annual mass limit as opposed to the surrogate eight-hour average temperature. Additional stack testing may be necessary to verify this procedure.

9) Operation report:

a) Effluent quality for November

D. Busch reported both facilities were in full compliance with all effluent limits for November. He reported record bests were achieved at the De Pere Facility for Total BOD, Carbonaceous BOD, Ammonia, and TKN. He commended the Treatment and Maintenance staff for their efforts.

b) Air quality for November

D. Busch reported the Green Bay Facility was in compliance with air quality limits and guidelines for November.

10) Executive Director's report:

a) January Commission meeting

b) 2011 Commission calendar

The 2011 Commission meetings will be held the fourth Wednesday of the month. The first budget workshop will be moved up to August.

c) Disclosure of Related Party Transactions

Please complete the Disclosure of Related Party Transactions as required by the State Statutes.

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T. Sigmund stated GBMSD's invoices include late payment charges at the rate of 1% per month, but GBMSD has not assessed the fee. As of January 1, 2011, GBMSD will begin enforcing the late payment charges due to a number of municipal customers paying 5 – 20 days past 30 days.

- 11) **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) **Court of Appeals Decision on Rockland appeal**
 - b) **Update on discussions with Neenah Menasha**
 - c) **Air permit update**
 - d) **Billing issues with Georgia-Pacific**

Motion #10-125

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.

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

Motion #10-126

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

There being no further business to come before the Commission, the meeting adjourned at 11:02 a.m.

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Secretary