

GREEN BAY METROPOLITAN SEWERAGE DISTRICT
PROCEEDINGS OF THE COMMISSION

Regular meeting of the Commission held via Zoom videoconference on August 26, 2020.

PRESENT: Commissioners Hasselblad, Blumreich, Mainz, Tumpach, and Hoffmann

ALSO PRESENT: T. Sigmund, P. Wescott, N. Qualls, B. Vander Loop, J. Smudde, T. Brown, B. Weller-Titus, B. Brown, B. Angoli, P. Mentink, J. Maas, B. Bartel, B. Oldenburg, P. Smits, S. Thieszen, T. Garrison, E. Houghton, J. Van Sistine, J. Smies–Legal Counsel; B. Mihalski and G. Thompson–Green Bay Packaging

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

1) Safety moment.

T. Sigmund provided safety awareness and what personal protective equipment should be worn when operating a chainsaw.

2) 2021 Budget workshop.

T. Sigmund reviewed the draft 2021 budget, as follows:

- Protecting Our Most Valuable Resource, Water
- Strategic Plan Pillars
- 2020 Budget Update (through July)
- Proposed 2021 Budget
- Flows and Loads
- 2021 Proposed Expenses
- 2021 Operations & Maintenance (O&M) Expenses
- 2021 O&M Expense Distribution
- 2021 Salaries & Benefits
- 2021 Contracted Services
- 2021 Major Capital Projects
- 2021 Annual Capital
- Proposed Long-Term Capital Projects
- Capital Projects for 2022-2025
- 2021 Revenue
- 2021 Revenue Sources
- 2021 Revenue Breakdown by Customer
- Municipal Rate Comparison
- 2021 Budget Summary
- Next Steps

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T. Sigmund stated the draft 2021 budget will be emailed to the Commission today.

Commissioner Tumpach stated in the draft 2021 budget expenses increase by 6.7% and municipal user fees by 4.5%, yet NEW Water is currently trending 6% above revenues for 2020 and expenses are at budget. He asked if some of the excess revenues will be applied towards the 2021 budget to lower the municipal user fees or will money be set aside in the Capital Reserve Fund. T. Sigmund replied money will go into the Capital Reserve Fund to be used when NEW Water starts to borrow money for projects to keep the rates down. Staff learned from the R2E2 Project that the rates should have been increased sooner to avoid some of the shock of the project costs. If NEW Water finishes at year-end over on revenues and close to budget on expenses, money will go into the reserves, which goes back to the customers. Staff will provide the Commission with the proposed 2021 rate, and the Commission has the option to take some of the reserves to bring down the rate. Buying down the rate now will make the rate increase larger in a couple years.

Commissioner Tumpach asked if staff should open up discussions with our municipal customers to see what they would prefer. T. Sigmund replied that he will ask the question and get feedback.

Commissioner Mainz asked that staff provide customers with NEW Water's preference in moving forward and ask for input. T. Sigmund agreed, and stated that the Commission will be the ultimate decision maker as to how NEW Water moves forward.

Commission Blumreich stated the pie chart on long-term capital projects is expenditure based, and not funding based. It would be helpful to superimpose the chart to include what NEW Water would be drawing out of the capital reserve and what staff would be putting in the reserve in the annual budget process this year. He would like to see the smoothing effects of drawing from the reserves and budgeting more money to offset the spikes for years 2023, 2027, and 2028. B. Vander Loop stated that staff will provide that information at the next meeting.

Commissioner Hasselblad stated that everything needs to be weighed very carefully on how NEW Water moves forward. It is important to get customer feedback; however, elected officials may want to save the money now, and not consider saving for future projects. She asked that staff share with the Commission any specific questions received at the customer meeting in September.

The Commission took a couple of the following agenda items out of sequence based on staff's presence for reporting and customers in attendance.

- 7) Request Commission approval of revisions to and extension of temporary modifications to NEW Water's paid leave policies.**

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T. Brown reported temporary pay practices have been in place since March due to COVID-19, and the Commission expanded the pay practices at the May meeting. The temporary pay practices are set to expire on September 5, 2020, and staff would like to make a recommendation to extend the temporary pay practices through December 31, 2020 in three areas. The first area is extension of temporary paid leave modifications for absences defined under the Families First Coronavirus Response Act (FFCRA). She reviewed the Emergency Paid Leave Sick Leave Act (EPSLA) and Emergency Family and Medical Leave Expansion Act (EFMLA), which were created by the FFCRA. She reported five employees have exhausted the 80 hours, while others have used some hours under the EPSLA. At this point, no employees have exhausted the 12 weeks under the EFMLA.

T. Brown stated the second area is the extension of full pay for individuals at home without work. Wages paid in the absence of worked time has been minimal, and 80% has been paid out to summer interns due to the commitment NEW Water had to these individuals. The last area of recommendation is to give staff the ability to cover unique instances where NEW Water may be directing an employee to stay home due to safety reasons that do not fit under the FFCRA to keep the employee whole for situations beyond their control. Managers have done a good job on determining what work can be done remotely and in most cases, employees are taking work home.

Commissioner Hasselblad asked if staff has provided any feedback. T. Brown replied that she has not received any recent feedback. Earlier this summer there were one on one meetings with staff and positive feedback was received on the safety initiatives that have been put in place, as well as individuals that have needed time off for COVID-19. The last couple of months there has been no utilization for child care due to summer.

Commissioner Hasselblad stated that in several of the journals she has been reading removing people from office settings and working remotely is finding that it has been quite productive and safer. It seems NEW Water is finding that employees working from home has been productive. It will be interesting to see where we are at the end of December.

Motion #20-061

It was moved by Mainz, seconded by Blumreich, and unanimously agreed to extend the temporary pay practices through December 31, 2020 that are set to expire September 5, 2020 which direct NEW Water to pay two-thirds of base wages, with employees supplementing the remaining one-third through use of their accrued paid leave banks for leaves as defined by the Families First Coronavirus Response Act, except that absences qualifying under the EFMLA, NEW Water will only pay partial wages of 2/3 pay through the date the employee exhausts their annual federal FMLA leave entitlement. In addition, approval is requested to pay base wages for non-working time to all employees that are directed to stay home, and whose job duties in whole or in part cannot be performed off site, and to pay base wages for employees excluded from on-site work as directed by NEW Water.

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- 3) **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 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) **Discussion of negotiation strategy concerning a potential industrial customer**
 - b) **Litigation involving Bayview Interceptor**
 - c) **Potential litigation resulting from the failure of the granulated activated carbon system of the fluidized bed incinerator**

Motion #20-062

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 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.

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

Motion #20-063

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

- 5) **Approval of minutes of Commission meeting held July 22, 2020.**

Motion #20-064

It was moved by Mainz, seconded by Blumreich, and unanimously agreed to approve the July 22, 2020 minutes as distributed.

- 10) **Request Commission approval to enter into the Tripartite Agreement between Green Bay Packaging, the City of Green Bay, and NEW Water, and authorize a Commissioner to sign the agreement.**

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N. Qualls reported that NEW Water has been working with Green Bay Packaging and the City of Green Bay on developing a Tripartite Agreement. All parties are comfortable with the final agreement. This is an exciting path forward for everyone, and NEW Water looks forward to working with Green Bay Packaging. NEW Water will be providing its effluent and treating Green Bay Packaging's wastewater. He reviewed the primary aspects of the agreement. The Tripartite Agreement will be similar to the long-term relationship NEW Water has with Procter & Gamble, and had with Georgia Pacific. The mill rate will be established each year and Green Bay Packaging will have the same mill rate as Procter & Gamble. Green Bay Packaging will be billed separately for capital and that capital amount is dependent upon what projects are being funded, as well as allocated capacity.

Commissioner Hasselblad stated that the Commission is willing to open up this discussion at this point to Bob Mihalski from Green Bay Packaging if there are any comments he would like to make regarding the Tripartite Agreement.

B. Mihalski from Green Bay Packaging thanked NEW Water staff for their efforts on the Tripartite Agreement. This has been a long process and he appreciates everyone's cooperation. Green Bay Packaging is really excited to partner with NEW Water and the mutual benefits of this.

Commissioner Hasselblad thanked him and congratulated everyone. This is to the benefit of the City of Green Bay, NEW Water, and Green Bay Packaging. As far as NEW Water is concerned and she speaks for the Commission, we could not be happier. Congratulations on a great agreement.

Commissioner Mainz expressed his gratitude for the professional relationship that the Commission and Green Bay Packaging has had during this process. It bodes well for the future.

Motion #20-065

It was moved by Mainz, seconded by Blumreich, and unanimously agreed to enter into the Tripartite Agreement between Green Bay Packaging, the City of Green Bay, and NEW Water, and authorize a Commissioner to sign the agreement.

6) July financials.

B. Weller-Titus reported July's operating revenues were favorable to budget by \$245,000 or 8% from additional flow volume and BOD loadings. Year to date total operating revenues were favorable to budget by \$1,500,000 or 6% from additional flow volume and BOD loadings.

B. Weller-Titus reported July's operating expenses were favorable to budget by \$217,000 or 12% with the majority coming from the granular activated carbon claim received against solid waste disposal. July's operating expenses with unfavorable results had more expenditures in contracted services and plant maintenance.

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B. Weller-Titus stated year to date total operating expenses were unfavorable to budget by (\$35,000) or (0.3%) from more expenditures in power, plant maintenance, and chemicals. Net income for the month of July was \$518,000, and year to date was \$3,400,000.

- 8) **Request Commission approval to close out the construction contract for the 2018 Motor Control Center Replacement Project #18-015-CO and issue final payment of \$114,080.74 to Northern Electric, Inc.**

B. Brown reported the work is done on the 2018 Motor Control Center Replacement Project. A lot of equipment was replaced in multiple locations in the plant with only one unexpected impact through 21 shut down events. This is a credit to Northern Electric and Muermann Engineering with their familiarity of NEW Water's plant and processes, and efforts by NEW Water staff for their coordination and support during this project. He stated more of the contingency was used than anticipated for Change Order No. 2, which addressed some additional control panels in the tunnel area. Project completion was delayed due partially to the change order, but mostly for COVID-19, which shut down the contractor for a few weeks. He requested Commission approval to close out and issue final payment to Northern Electric.

Motion #20-066

It was moved by Blumreich, seconded by Hoffmann, and unanimously agreed to close out the construction contract for the 2018 Motor Control Center Replacement Project #18-015-CO and issue final payment of \$114,080.74 to Northern Electric, Inc.

- 9) **Request Commission approval to enter into an Agreement for Purchase of Capacity in Dutchman Creek Interceptor Sewer – Hobart with the Village of Hobart and to authorize the Executive Director to sign the agreement.**

N. Qualls stated the Dutchman Creek Interceptor is due for rehabilitation and upsizing in a few segments. In January the Commission approved the construction project. Staff have been working with the Village of Ashwaubenon and Village of Hobart for agreements associated with the project. The Village of Hobart has approved the agreement and it is ready for Commission consideration. This agreement will include the history of agreements for the Dutchman Creek corridor and assign new allocated capacity and cost share. The cost for new permanent allocated capacity for the Village of Hobart is estimated to be approximately \$1,000,000, which Hobart intends to pay over 20 years. The Village of Ashwaubenon has a small financial commitment, which staff will bring forward at a future Commission meeting. He requested Commission approval.

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Motion #20-067

It was moved by Mainz, seconded by Tumpach, and unanimously agreed to enter into an Agreement for Purchase of Capacity in Dutchman Creek Interceptor Sewer – Hobart with the Village of Hobart and to authorize the Executive Director to sign the agreement.

11) **Request Commission approval of the Effluent Reuse Pump Station – Pump Procurement Green Bay Facility Change Order No. 1 in the amount of a credit of (\$121,190).**

B. Angoli stated this is for the pump procurement contract for the effluent reuse pump station work. Bids were received for pump procurement last December and was approved by the Commission. Green Bay Packaging, the engineer, and NEW Water staff worked together on managing the project costs. One pump and associated pumping equipment was removed from the contract to reduce project costs. Staff recommends Commission approval of the Effluent Reuse Pump Station – Pump Procurement Green Bay Facility Change Order No. 1 in the amount of a credit of (\$121,190) to the project.

Commissioner Hasselblad asked if staff is putting anything at risk in removing the second pump. B. Angoli replied the original bid provided three pumps, and staff is removing one pump, which was the redundant pump. If there is an issue with either of the remaining pumps, Green Bay Packaging would use water from the City of Green Bay, if needed.

Motion #20-068

It was moved by Mainz, seconded by Blumreich, and unanimously agreed to approve the Effluent Reuse Pump Station – Pump Procurement Green Bay Facility Change Order No. 1 in the amount of a credit of (\$121,190).

12) **Request Commission approval of Contract 35 Solids Building 300 Demolition Work Change Directive No. 12 in the amount of \$200,000.**

B. Angoli stated a gravity thickening improvements update was provided at the July 22 Commission meeting by Nate Qualls. The centrifuge thickening of the primary sludge was not possible because the percent solids changed throughout the day, which was not captured during pilot testing for thickening centrifuge design. To manage this issue, two of the four existing gravity thickeners were put back into service and outfitted with new thickener pumps under Contract 34. Presently, the two gravity thickeners cannot process all of the primary sludge. To expedite the deal with the capacity issues, staff proposed to put the remaining gravity thickeners no. 3 and 4 into operation to help with the new thickened sludge pumps and to complete the work under Contract 35. At the June 24 meeting the Commission approved the purchase of two new thickener sludge pumps in the amount of \$101,570 plus a 3% contingency.

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B. Angoli stated this work deals with the placement of the pumps and electrical modifications to put the pumps into place. Staff is requesting approval of Work Change Directive No. 12 for equipment installation to be included under Contract 35 for a total estimated cost of \$200,000.

Motion #20-069

It was moved by Hoffmann, seconded by Blumreich, and unanimously agreed to approve Contract 35 Solid Building 300 Demolition Work Change Directive No. 12 in the amount of \$200,000.

13) Sewer plan approvals:

a) Town of Ledgeview/Ledgeview Sanitary District No. 2 Project #1216300-191203.01; GBMSD Request #2020-20

B. Angoli stated the Town of Ledgeview/Ledgeview Sanitary District No. 2 is requesting 1,498 feet of 8-inch PVC sanitary sewer within the right-of-way of Bower Creek Road. Flow would be tributary to the Swan Road Interceptor.

b) Village of Bellevue Project #M-11705; GBMSD Request #2020-21

B. Angoli stated the Village of Bellevue is requesting 1,106 feet of 8-inch PVC sanitary sewer within the right-of-way of Lazy Oak Court. Flow would be tributary to the East River Bellevue Interceptor.

c) Village of Bellevue Project #K-16805; GBMSD Request #2020-22

B. Angoli stated the Village of Bellevue is requesting 838 feet of 10-inch PVC sanitary sewer within the right-of-way of Kosmoski Way and 711 feet of 10-inch PVC sanitary sewer within the right-of-way of Evening Star Drive. Flow would be tributary to the East River Bellevue Interceptor.

Staff recommends Commission approval of the Town of Ledgeview/Ledgeview Sanitary District No. 2 and Village of Bellevue sewer plans for the proposed sewers that are served within NEW Water subject to approval recommendations by Brown County Planning and final approval by the Wisconsin Department of Natural Resources (WDNR).

Motion #20-070

It was moved by Mainz, seconded by Hoffmann, and unanimously agreed to approve the Town of Ledgeview/Ledgeview Sanitary District No. 2 and Village of Bellevue sewer plans subject to favorable approval recommendations from Brown County Planning and final approval by the WDNR.

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14) Wisconsin Pollutant Discharge Elimination System permit renewal update.

J. Maas gave an update on the status of NEW Water's Wisconsin Pollutant Discharge Elimination System wastewater permit renewal. A renewal application was submitted in late 2018, and staff have been working to get this permit moving forward. NEW Water is still operating under the terms of its expired permit. NEW Water has been working with the WDNR through a couple of issues in the WDNR's original proposed limits. She reviewed the areas of focus during the permit renewal process, which were mercury, thermal limits, and WET testing. NEW Water delivered the final documents to the WDNR by the deadline date of August 14, 2020, which will allow the permit to progress towards review and ultimate issuance. The WDNR is currently reviewing the documents.

Commissioner Mainz asked if staff knows how NEW Water compares with others on the Fox River and other wastewater utilities as far as mercury. J. Maas replied that she has not done a study on mercury limits for others. If other wastewater utilities do not request a variance, their mercury limit would be 1.3 ng/L. Most utilities are working under a mercury variance.

J. Maas stated a revised Adaptive Management Plan was submitted to the WDNR on August 14, 2020. The WDNR will review and may have a response to NEW Water by mid-September.

Commissioner Hasselblad asked what the significant revisions were to the Adaptive Management Plan. J. Smudde replied a lot of it was updates and clarifications. Some information provided a stronger connection between the Silver Creek Pilot Project and future plans for Ashwaubenon Creek and Dutchman Creek. Staff worked through some questions in methodologies and assumptions built into the modeling component of the Adaptive Management Plan. The WDNR was looking for a little stronger support for the TSS component. The plan is pretty clear that once NEW Water achieves the phosphorus reductions, it will have a far greater TSS reduction than required. The WDNR asked NEW Water to provide more information on this and also update some graphs and data.

15) Update of projects:

a) Contract 35 Solids Building 300 Demolition

B. Angoli reported Contract 35 demolition project is moving along well. Remaining working includes finishing the roofing coping and landscaping work. A project time extension will need to be submitted for the contractor to complete work change directives for odorous air systems and gravity thickeners.

b) Effluent Reuse Pump Station and Force Main

B. Angoli reported the directional drilling subcontractor has completed all the work including pipe pressure testing, and everything passed. Work continues on the valve vault and installation of the equipment inside the pump station. Delivery of equipment for the electrical and surge tanks has been delayed to mid or late October, so startup of the system will be delayed until November.

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c) De Pere Facility Electrical Distribution and Emergency Generator

P. Mentink reported all major construction and site restoration has been completed on the De Pere Facility Electrical Distribution and Emergency Generator Project. The contractor is finishing the punch list items for the close out documents. Coordination between NEW Water and the utility to allow for the parallel operation has been completed. There was a little set back in testing of the generators due to a faulty transformer. The contractor is completing some remedial action and the testing will be completed after Labor Day. Once testing is complete, the facility will be available to use and staff will complete the compliance requirements documentation for parallel operation.

d) Bayview Interceptor Replacement

P. Mentink reported the contractor continues to advance the recovering casing to the first machine and is a little over halfway there. The contractor installed 130 feet of the recovery casing, and has about 110 feet to go. The contractor is going slow and steady and should reach the machine in another week. Once the first machine is recovered, the contractor will move over to the west side in preparations to recover the second machine.

Commissioner Hasselblad stated that it looks like the contractor was looking to complete in October, and now it will be November. How will snow and ice impact this project? P. Mentink replied the contractor prefers the cold weather to do some of the work because the colder ground is easier to work with.

16) July 2020 Operations report.

P. Wescott reported both facilities were in compliance with all effluent limits for the month of July. The Green Bay Facility tied performance records for Ammonia.

P. Wescott reported the Green Bay Facility was in full compliance with air quality limits. NEW Water set a peak month for onsite electrical generation at almost 2,300 megawatt hours of electricity. The main reason for setting this peak was the extensive work that was done the preceding month on the bio-gas engines. Both units ran for the entire month of July, and some natural gas was used as supplemental fuel. Both bio-gas engines ran well and generated a lot of electricity. The onsite generation will drop back down to around 40% of total demand. Total bio-gas volume recovered was 211,340 CCF, which was 97.2% of the total volume captured and used in the bio-gas engines. NEW Water received about 2,200,000 gallons of high strength waste for the month of July. This program is going very well and is primarily driven through a single source.

Commissioner Mainz asked if it is cheaper to buy electricity than natural gas. P. Wescott replied that it depends on what there is for maintenance expenses. The cost is pretty close. There is approximately a \$5,000 per month savings to use natural gas to produce electricity at this time.

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P. Wescott reported that NEW Water received an update from the WDNR earlier this month in regards to the stack test that was done in March. The particulate matter results were very high and out of the ordinary. Staff did some investigation to identify what may have caused the atypical results. Staff ruled out operational changes or equipment issues, but were not able to find the root cause for the test results. Staff followed up with another stack test at the end of May and the particulate matter results were normal and in compliance. Staff had discussions with the WDNR in regards to the March stack test and based on NEW Water's investigation, recommended that the March test was invalid. The WDNR has confirmed that the March test was invalid.

P. Wescott stated that last week for the first time in NEW Water history there was an all-female crew operating all facilities at the treatment plant: Billie Komorowski, Operator-in-Training (OIT), Kayli Van Effen, recently promoted from OIT to Operator, and Kim Schwake, Operator. There is a great picture of the crew in the control room and it will be in the upcoming Metroflow.

17) **Executive Director's report:**
a) **September Commission meeting**

The September Commission meeting will be held on Wednesday, September 23, 2020, beginning at 8:30 a.m. The meeting will be held via Zoom videoconference. Camera Corner will be doing some work in the Dan Alesch Training Center around September 10, 2020, so NEW Water will have the capability to aggregate staff for a meeting at some point.

b) **Executive Director approved agreements**

Twice a year staff provides the Commission with information on the agreements the Executive Director has signed under the authority the Commission has given. The information was provided in the Commission packet.

Commissioner Mainz asked if all of the Executive Director approved agreements are within the limit authorized. T. Sigmund replied that there is one agreement that was about \$113,000, and his authority limit is \$100,000. His intent is to never approve any agreement that exceeds his limit. The University of Wisconsin-Green Bay agreement for ACDEC Biological data collection is over a period of time, but he needs to do some further investigation on it.

Motion #20-071

It was moved by Mainz, seconded by Blumreich, and unanimously agreed to approve an agreement with the University of Wisconsin-Green Bay agreement for ACDEC biological data collection in an amount not to exceed \$113,177.

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c) COVID-19 paid leave statistics

The memo in the Commission packet provided the current utilization of COVID-19 paid leave. Staff has done some research and through Brown County, NEW Water will be able to apply for some reimbursement of its COVID-19 expenses.

d) NEW Water participation in COVID-19 in wastewater state-wide study

NEW Water is doing some work on COVID-19 wastewater study to potentially find early indication of COVID-19 in wastewater. The study appears to be going well and NEW Water should gain some information that may be very helpful down the line.

e) Cost Allocation Methodology update

CDM Smith has been updating NEW Water's Cost Allocation Methodology for years and it has just been updated and will be provided to the Commission. The process is done every two to three years. NEW Water will likely update this again in a year to get all of the R2E2 Project on the asset register. This information will be shared with Procter & Gamble and Green Bay Packaging as part of the Tripartite Agreements.

f) STEM Superheroes camp update

The STEM Superheroes camp was done virtually this year due to COVID-19, and the Public Affairs & Education Department and staff did a great job putting this together. There are 35 more defenders of the bay.

Commissioner Hasselblad stated that some have added the letter "A" to STEM to include the Arts in bringing all of the sciences together. She will follow up with Tricia Garrison on STEAM.

There being no further business to come before the Commission, the meeting adjourned at 10:46 a.m.

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Secretary