

**GREEN BAY METROPOLITAN SEWERAGE DISTRICT**  
**PROCEEDINGS OF THE COMMISSION**

Regular meeting of the Commission held via teleconference on March 25, 2020.

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

**EXCUSED:** Commissioner Hoffmann

**ALSO PRESENT:** T. Sigmund, P. Wescott, N. Qualls, B. Vander Loop, J. Smudde, T. Brown, T. Garrison, J. Van Sistine, J. Smies–Legal Counsel

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

**1) Safety moment.**

T. Sigmund stated Governor Evers issued a Safer at Home Order for Wisconsin beginning at 8:00 a.m. today. Consider a proper diet, exercise, and mental health support during the COVID-19 pandemic. NEW Water, the brand of the Green Bay Metropolitan Sewerage District, offers its employees 24-hour access to an assistance program through the ERC.

- 2) 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) Potential litigation resulting from the failure of the granulated activated carbon system of the fluidized bed incinerator**

**Motion #20-030**

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.

**3) Reconvene in open session.**

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#### Motion #20-031

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

#### 4) **Approval of minutes of Commission meeting held February 26, 2020.**

#### Motion #20-032

It was moved by Mainz, seconded by Blumreich, and unanimously agreed to approve the February 26, 2020 minutes as distributed.

#### 5) **January and February financials.**

B. Vander Loop reported January's operating revenues were favorable to budget by \$238,000 or 7% due to more precipitation received. February's operating revenues were favorable to budget by \$139,000 or 5% due to more precipitation received. Year to date total operating revenues were favorable to budget by \$377,000 or 6% due to more precipitation received.

B. Vander Loop reported January's operating expenses were unfavorable to budget by (\$397,000) or (21%) due to more expenditures in solid waste disposal due to the granular activated carbon (GAC) unit, plant maintenance, and power. Operating expenses with favorable results had less expenditures from contracted services. February's operating expenses were unfavorable to budget by (\$294,000) or (16%) from more expenditures in solid waste disposal, chemicals, contracted services, and power. Operating expenses with favorable results had less expenditures from office related supplies and natural gas. Year to date total operating expenses remain unfavorable to budget by (\$690,000) or (19%) from more expenditures than budgeted from solid waste disposal, plant maintenance, and power. Net income for the month of January was \$94,000 and \$61,000 for February.

B. Vander Loop stated that staff has been working with PFM to explore potential taxable refundable offers for a 2013 \$20,000,000 tax exempt general obligation bonds. He stated a special Commission meeting may be scheduled prior to the April Commission meeting.

Commissioner Blumreich stated that staff has shared the details with him on the options on the table for refunding on a taxable basis instead of waiting for a potential tax exempt refunding. He encouraged staff at a subsequent meeting to thoroughly review the options and to explain why staff is recommending taxable refunding.

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**5a) Request Commission approval of COVID-19 Pandemic Emergency Operation Commission Order Delegating Authority.**

T. Sigmund stated that at the March 20, 2020 Commission meeting the Commission asked staff to develop an Emergency Order Delegating Authority in the event NEW Water is not able to get a quorum of Commissioners to take action that exceeds the authority of the Executive Director. This emergency order was prepared by Legal Counsel and is similar to one enacted by the Green Bay Water Utility Commission last week in light of the COVID-19 crisis. He reviewed the Emergency Order Delegating Authority.

Commissioner Mainz requested the following modifications be made to the Emergency Order Delegating Authority: consult with and secure advice and approval by all available Commissioners prior to exercising authority delegated, provide to the Commission a list of any staff to whom the Executive Director is delegating authority, and insert an end date of May 31, 2020.

**Motion #20-033**

It was moved by Blumreich, seconded by Mainz, and unanimously agreed to approve the Green Bay Metropolitan Sewerage District Emergency Order Delegating Authority with the understanding the revisions will be made. (See Commission File #20-002)

**5b) Request Commission approval of temporary modifications to NEW Water's paid leave policies.**

T. Brown stated that NEW Water is adhering to all federal laws regarding the COVID-19 pandemic, and is committed to finding a balance between protecting its employees and having the appropriate staff onsite to maintain critical operations. In response to the COVID-19 pandemic, she recommended additional paid time off for employee absences required as a result of COVID-19 to be retroactive to March 15, 2020.

T. Brown stated pursuant to the federal Families First Coronavirus Response Act (FFCRA), NEW Water must provide 80 hours of paid sick leave to full-time employees, if requested, due to absences related to COVID-19. In addition to the 80 hours required by federal law effective April 2, 2020, she recommended approval of up to an additional 120 hours of paid time off for employees subject to and/or caring for individuals subject to quarantine or isolation, is experiencing symptoms, or experiencing any other substantially similar condition as specified to keep our work environment safe.

T. Brown recommended paid time off for the greater of the duration of this policy or an employee's Family Medical Leave Act entitlement for employees caring for their children due to COVID-19. She explained the rationale for proposing 120 hours of paid time off.

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The Commission reiterated that NEW Water has an extraordinary workforce and it is paramount that we protect our employees, their families, and water resources. T. Brown replied staff will provide an update on the paid time off statistics at the April Commission meeting.

T. Brown recommended in addition to the qualifying reasons for paid leave, if employees are directed to stay home and cannot perform their job duties in whole or in part, that these employees be paid for non-working time during the duration of this policy. NEW Water management is committed to keeping employees productively working. She recommended Commission approval of the paid time off benefit on a temporary basis only, with a retroactive effective date of March 15, 2020 and a review date of May 31, 2020.

Commissioner Mainz asked the significance of March 15, 2020. T. Brown replied that the weekend of March 13, 2020 it was announced that schools were closing and employees would need to be off work to care for their children. Absences prior to March 15, 2020 were not COVID-19 related.

#### **Motion #20-034**

It was moved by Mainz, seconded by Tumpach, and unanimously agreed to provide 120 hours of paid leave in addition to the 80 hours of paid sick leave mandated by federal law, for absences related to COVID-19 as defined by the Families First Coronavirus Response Act. Furthermore, leave for the purposes of child care will be paid for the greater of the duration of this policy or an employee's FMLA 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. The pay practices will be effective March 15, 2020 through May 31, 2020 with the ability to extend, as necessary.

#### **6) Request Commission approval to increase the contingency of the Evaluation of the East River Interceptor and the Ninth Street Interceptor Project by \$41,950.**

N. Qualls reported that in 2018 the Commission approved an agreement with Donohue & Associates to study the East River and Ninth Street Interceptors. During the study significant capacity issues were found in the East River Interceptor, which suggest probable infrastructure needs to handle peak flows. Prior to moving forward to evaluate alternatives to address capacity issues, the scope was expanded downstream to include the Quincy Street Interceptor and the Green Bay Facility pump station. Staff expanded the scope of the study to make sure nothing was missed before moving forward with costly infrastructure. The scope and fees look appropriate to complete the project adequately, and he requested Commission approval.

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#### **Motion #20-035**

It was moved by Blumreich, seconded by Meinz, and unanimously agreed to increase the contingency of the Evaluation of the East River Interceptor and the Ninth Street Interceptor Project by \$41,950 to be administered under the authority of the Executive Director.

- 7) **Request Commission approval of Amendment No. 6 for Contract 34 Digestion and Solids Facility with CH2M Engineers, Inc. for additional construction related services in the amount of \$93,301.54 for a total authorized amount of \$13,818,604.93.**

N. Qualls stated Amendment No. 6 is associated with the Recourse Recovery and Electrical Energy (R2E2) construction project, and is needed to compensate the engineer for additional work as this project has exceeded its milestone dates and final completion date. Additional engineering services work included the waste heat exchanger, reversing screw conveyor, odor control system, fluidized bed incinerator, and a variety of issues after startup. This amendment includes all work by the engineer to close out Contract 34, which would bring the total approved amount to \$13,818,604.93.

Commissioner Hasselblad asked if someone was at fault for the delay and additional charges for oversight of contract administration. N. Qualls replied not one single party was at fault. A number of owner enhancements, contract related issues, consulting related issues, and timing to get the project ongoing and continuing all played a factor. An important aspect was the team continued to work well throughout the duration of the project.

Commissioner Hasselblad asked staff at some point to inform the Commission on the lessons learned with this project.

#### **Motion #20-036**

It was moved by Meinz, seconded by Blumreich, and unanimously agreed to approve Amendment No. 6 for Contract 34 Digestion and Solids Facility with CH2M HILL Engineers, Inc. for additional construction related services in the amount of \$93,301.54 for a total authorized amount of \$13,818,604.93.

- 8) **Sewer plan approvals:**
- a) **Village of Howard Project #20009; GBMSD Request #2020-06**
  - b) **City of De Pere Project #20-02; GBMSD Request #2020-07**
  - c) **Town of Lawrence/Village of Hobart Project #T0978-9-19-00810; GBMSD Request #2020-09**

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Commissioner Mainz asked if there is anything special about these sewer plans. N. Qualls replied only the Town of Lawrence/Village of Hobart sewer plan was subject to approval of an agreement between Lawrence, Hobart, and NEW Water. The agreement has been executed.

Commissioner Hasselblad asked if the City of De Pere sewer extension will close down College Avenue. N. Qualls replied that he does not have that information, but he will follow up and report back to the Commission. Commissioner Hasselblad stated as long as St. Norbert College is notified.

#### **Motion #20-037**

It was moved by Mainz, seconded by Blumreich, and unanimously agreed to approve the Village of Howard, City of De Pere, and Town of Lawrence/Village of Hobart sewer plans subject to favorable approval recommendations from Brown County Planning and final approval by the Wisconsin Department of Natural Resources (WDNR).

#### **9) 2019 pretreatment enforcement summary.**

N. Qualls stated this item is informational only and no action is required. NEW Water has 47 significant industrial users (SIUs), and none of the SIUs were in significant noncompliance for publication purposes for 2019. There was one notice of violation due to not following proper sampling procedures. Staff worked with the SIU on how to approach the violation and corrective action was taken. There were no notices of noncompliance.

Commissioner Hasselblad stated this is the best report so far and it shows the great merit of staff working with the industries.

#### **10) 2019 Industrial Achievement Awards.**

N. Qualls stated that this item is informational only and no action is required. Staff implemented the Industrial Achievement Awards in 2012 and the industries value this acknowledgement. Eleven SIUs have stayed in compliance for at least the last five years and have qualified for the 2019 Platinum Award. Five SIUs have qualified for the 2019 Gold Award, and 15 SIUs have qualified for the 2019 Silver Award. Staff will proceed with recognizing these SIUs and will publish the recipients in the Green Bay Press Gazette.

The Commission congratulated the SIUs receiving the 2019 Industrial Achievement Awards.

#### **11) 2019 Aquatic Monitoring Program updates.**

J. Smudde stated that Sarah Bartlett put together the information for the Commission packet, and he would be happy to answer any questions.

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The Commission expressed its concern about the possibility of Bay Beach opening its beach for recreation because NEW Water's monitoring of the bay does not support it. T. Sigmund replied the City of Green Bay and Parks Department take this issue very seriously. NEW Water will continue to share its water quality data with the City of Green Bay, through press releases, etc. Visual monitoring is likely going to be best practice for the City of Green Bay to make a decision to close the beach, in addition to E.coli and fecal testing.

The Commission asked staff to thank Sarah Bartlett for the work she has done.

J. Smudde stated that in 2019 the average total phosphorus for all zones was below the 0.1 mg/L water quality standard, which was the second time in 10 years. This is a positive indication of some potential improvements in water quality. Total suspended solids (TSS) is the sediment seen during runoff events and is also a measure of algal blooms. The 2019 water quality standard average for TSS was 18 mg/L. He stated there is trend in the right direction, and is positive for adaptive management.

#### 12) **2019 Watershed Monitoring Program updates.**

J. Smudde asked if the Commission has any questions on the information Ben Young provided in the Commission packet.

Commissioner Hasselblad stated that she would like staff to provide an update on the Watershed Monitoring and Aquatic Monitoring Programs when the Commission meetings can be held again onsite.

Commissioner Mainz asked if work will continue in Silver Creek. J. Smudde replied that some practices will continue in Silver Creek, but the dedicated focus efforts will be in Ashwaubenon and Dutchman Creeks.

Commissioner Mainz asked if the land owners understand the reason for reduced efforts in Silver Creek. J. Smudde replied most of the land owners also own land in Ashwaubenon and Dutchman Creeks, so they understand and are good spokespersons for the program.

#### 13) **Update of projects:**

##### **a) Contract 35 Solids Building 300 Demolition**

N. Qualls stated Contract 35 Solids Building 300 Demolition is the final contract to the R2E2 Project. There was a minor fire that started after some torching work, and staff is working to determine what inspection should be done to prevent a fire in the future. The insulation that was damaged in the fire will be replaced. A delay claim was negotiated to a cost of approximately \$19,700.

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N. Qualls reported that active construction projects are remaining ongoing through the COVID-19 pandemic. If the contractors and consulting teams are committed to continue with the projects and are following best practices with physical distancing, NEW Water has been inclined to keep projects moving forward.

#### 14) February 2020 Operations report.

P. Wescott reported both facilities were in full compliance with all effluent limits for the month of February. On February 13, 2020 the incinerator went back on-line with the GAC system fully functional. NEW Water staff received training on the equipment and the GAC system has been on-line through several startups and shut downs.

P. Wescott reported for the month of February, 1,533 MWH of electricity was produced. NEW Water continues to take in high strength waste, which has been fairly consistent throughout the year.

Commissioner Hasselblad asked what the goal is in electricity production. P. Wescott replied the target is around 50% or so, and NEW Water has been teetering at 40%. NEW Water has been receiving good high strength waste, and plans to bring the biogas on-line around April 1, 2020.

T. Sigmund stated that staff plans to start effluent disinfection today or tomorrow at the Green Bay Facility. Disinfection season runs May 1 – September 30. Staff decided to start earlier because it is better for the environment. NEW Water contacted the WDNR about starting disinfection, and the WDNR requires NEW Water to collect samples for E. coli and residual chlorine. Staff needs to make sure that we have enough sodium hypochlorite and sodium bisulfite to dechlorinate. P. Wescott added that the UV disinfection system at the De Pere Facility was placed on-line yesterday.

#### 15) Executive Director's report.

##### a) April Commission meeting

The April Commission meeting will be held on Wednesday, April 22, 2020, beginning at 8:30 a.m. The meeting will most likely be held by teleconference.

##### b) Charles Street Interceptor lateral update

As previously reported to the Commission, a sanitary sewer lateral that served Notre Dame Elementary School was inadvertently disconnected and not reconnected by the contractor, which caused basement back up and damages. The insurance claim for damages has been settled and NEW Water, City of De Pere, De Groot, and Donohue & Associates contributed equal amounts and the matter is closed.

Commissioner Mainz asked how much the claim was. B. Vander Loop replied the total claim was \$26,000.



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Commissioner Mainz asked if the school was fine with the outcome. T. Sigmund replied that staff will follow up and let the Commission know.

#### **c) Stack testing**

The fluid bed incinerator air emissions testing was done last week Wednesday and Thursday with the new activated carbon system in the GAC unit. NEW Water staff worked with equipment manufacturer to further optimize the wet scrubber performance. Staff will continue to tweak the wet scrubber for more optimization. Staff will share the results of the testing when they become available.

#### **d) Einstein Science Expo event**

NEW Water and the Green Bay Water Utility hosted a One World One Water booth at the annual Einstein Science Expo. A Water Snapshot Survey was conducted with visitors, which revealed that health and sanitation is what people value most about their water services.

#### **e) World Water Day event**

NEW Water teamed up with the Green Bay Water Utility for the 7<sup>th</sup> annual World Water Day event. Dr. Kevin Fermanich from the University of Wisconsin-Green Bay received this year's NEW Watershed Champion award. Recipients have been very appreciative of their recognition.

#### **f) COVID-19 update**

NEW Water remains committed to health and safety as staff continue to serve the community, and continues to monitor this situation more than daily. NEW Water has suspended all tours and outside visitors except for those providing service to NEW Water. A COVID-19 focus group was put together and is being led by Sharon Thieszen, who has done a really good job. Other members include Pat Wescott, Tricia Garrison, Trisha Brown, Adam Butry, and honorary member Jeff Czypinski who keeps it all up and running. Tom's thoughts email includes an update on COVID-19.

Commissioner Blumreich complimented Tom Sigmund and staff for the communication that is the glue that hold people together during this trying time. Staff has knocked it out of the park. T. Sigmund replied thank you, it has been a team effort.

Commissioner Mainz asked about video conferencing Commission meetings. T. Sigmund replied the IT Manager is looking into it.

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There being no further business to come before the Commission, the meeting adjourned at 10:34 a.m.

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Secretary