

GREEN BAY METROPOLITAN SEWERAGE DISTRICT
PROCEEDINGS OF THE COMMISSION

Regular meeting of the Commission held via Zoom videoconference on May 27, 2020.

PRESENT: Commissioners Hasselblad, Blumreich, Tumpach, and Hoffmann

EXCUSED: Commissioner Meinz

ALSO PRESENT: T. Sigmund, P. Wescott, N. Qualls, B. Vander Loop, J. Smudde, T. Brown, B. Weller-Titus, B. Brown, B. Angoli, P. Mentink, T. Garrison, H. Malmberg, S. Thieszen, B. Oldenburg, B. Bartel, P. Smits, E. Houghton, J. Van Sistine, J. Smies–Legal Counsel; D. Maccoux & A. Drewieske–CliftonLarsonAllen LLP

Commission President Hasselblad called the meeting to order at 8:37 a.m.

1) Safety moment.

T. Sigmund provided some tips on how to prevent heat stress. Drink 18-24 ounces of water every hour, take appropriate breaks, wear appropriate clothing for the activity, eat wisely, avoid alcohol and caffeine, and prepare for your environment.

2) 2019 financial audit.

B. Weller-Titus introduced Amber Drewieske and Dave Maccoux from CliftonLarsonAllen LLP, who are here to give a presentation on the audit results.

A. Drewieske from CliftonLarsonAllen reviewed the following:

- Executive Audit Summary
- Required Communications
- Summary of Audit Results
- Net Position Composition
- Statement of Revenues, Expenses, Changes in Net Position
- Operating Income & Change in Net Position
- Statement of Cash Flows
- Financial Statement Footnote Disclosures
- Single Audit
- NEW GASB Standards

Commissioner Hasselblad asked what the highest risks the auditors were assessing. A. Drewieske replied the capital investment areas.

A. Drewieske thanked Brian Vander Loop and Beth Weller-Titus for their patience and help during the audit process.

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3) **Introduce the new LTE Public Information Technician, Hannah Malmberg.**

T. Garrison introduced Hannah Malmberg, the new LTE Public Information Technician, who was previously the Public Affairs & Education intern. She praised Hannah Malmberg's efforts and highlighted some of her activities including helping with emergency response, creating a virtual tour, writing, promotional activities, and website revamping.

H. Malmberg stated that she graduated from the University of Wisconsin-Green Bay last year and applied for the LTE full-time position at NEW Water. She has been assisting the COVID-19 Focus Group, NEW Water's website, and community engagement. She appreciates the opportunity to help out and learn, and is looking forward to continuing to be a member of the NEW Water team when all staff are back onsite in normal operations.

The Commission welcomed her.

- #### 4) **Convene in closed session under State Statute 19.85 (1) (c) for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; 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) **Consultation with auditors regarding employee evaluation**
 - b) **Discussion of negotiation strategy concerning a potential industrial customer**
 - c) **Potential litigation resulting from the failure of the granulated activated carbon system of the fluidized bed incinerator**

Motion #20-043

It was moved by Blumreich, seconded by Hoffmann, and unanimously agreed to convene in closed session under State Statute 19.85 (1) (c) for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; 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.

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5) Reconvene in open session.

Motion #20-044

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

6) Approval of minutes of Commission meeting held April 22, 2020.

Motion #20-045

It was moved by Tumpach, seconded by Hoffmann, and unanimously agreed to approve the April 22, 2020 minutes as distributed.

7) April financials.

B. Weller-Titus reported April's operating revenues were unfavorable to budget by (\$105,000) or (2%) from lower flow volume due to less precipitation received and some impact from COVID-19. Year to date total operating revenues were favorable to budget by \$718,000 or 5% from additional flow volume due to more precipitation received.

B. Weller-Titus reported April's operating expenses were unfavorable to budget by (\$36,000) or (2%) from more expenditures in power, chemicals, and plant maintenance. April's operating expenses with favorable results had less expenditures in contracted services, office related expenses, interceptor maintenance, and employee development. Year to date total operating expenses were unfavorable to budget by (\$594,000) or (8%) due to more expenditures in solid waste disposal, plant maintenance, and power. Operating expenses with favorable results had less expenditures in contracted services. Net income for the month of April was \$1,200,000, and net income year to date was \$1,900,000.

Commissioner Blumreich asked if staff took into account the changes in the government finance guidelines regarding no longer capitalizing interest for the 2020 budget. B. Weller-Titus replied yes.

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

T. Brown stated that the temporary pay practices for COVID-19 related absences approved by the Commission at the March Commission meeting will expire on May 31, 2020. As the pandemic continues, NEW Water works methodically and safely to return staff onsite in order to balance the personal needs of employees with organizational needs. NEW Water will continue to provide additional compensation above what is required by the Families First Coronavirus Response Act (FFCRA) and has taken the following into consideration:

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- Personal, financial needs of staff
- Continued focus on staff safety and efforts to slow the spread of the Coronavirus
- NEW Water's fiscal responsibility
- Steady progression towards returning staff to onsite and regular working schedules
- Temporary pay practices of comparable municipalities

T. Brown stated that staff is recommending a two-week extension to the current temporary pay practices to June 13, 2020. She reviewed staff's recommended compensation for COVID-19 for June 14, 2020 through September 5, 2020 for Emergency Paid Sick Leave Act and Emergency Family and Medical Leave Expansion Act, which are two types of paid emergency leave created by the FFCRA. Starting September 6, 2020 and moving forward, additional time off would follow NEW Water's established policies for time away from work. The COVID-19 Focus Group will continue to monitor the health statistics and conditions in Brown County and the state. Staff may entertain modifications due to changing conditions.

Commissioner Blumreich asked if staff did see something unexpected through June 13, 2020 would an interim Commission meeting be scheduled to address it. T. Brown replied that she was not sure if a special meeting would be scheduled. She stated that NEW Water will continue to pay 2/3 of employees' usual rate of pay, which is above and beyond what is required in certain instances. Commissioner Blumreich asked as we go through the first part of June that staff leaves this open to be modified. T. Sigmund replied that NEW Water will react to what the state proposes.

Commissioner Hasselblad stated that staff fully understands the consent of the Commission is to protect our employees first and foremost, their families, the Commission, and our larger communities. We should not implement something because we had it in writing. If NEW Water is getting along and employees are working from home when they can and things are being accomplished, we need a level of protection. She understands establishing dates, but we need to be flexible on this and keep an eye on the horizon.

T. Brown requested Commission approval to extend the temporary pay practices approved at the March 25, 2020 meeting to June 13, 2020. Thereafter, for absences related to COVID-19 as defined by the Families First Coronavirus Response Act, approval to pay 2/3 of base wages through September 5, 2020, with employees supplementing the remaining 1/3 through use of their accrued paid leave banks, 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 through September 5, 2020 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.

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Motion #20-046

It was moved by Hoffmann, seconded by Tumpach, and unanimously agreed to extend the temporary pay practices approved at the March 25, 2020 meeting to June 13, 2020. Thereafter, for absences related to COVID-19 as defined by the Families First Coronavirus Response Act, approval to pay 2/3 of base wages through September 5, 2020, with employees supplementing the remaining 1/3 through use of their accrued paid leave banks, 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 through September 5, 2020 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.

- 9) **Request Commission approval to award the construction contract for the De Pere Facility Influent Pumping Station HVAC Rehabilitation Project #20-012-CO to Hurckman Mechanical Industries, Inc. in the amount of \$142,680.**

B. Brown reported employee safety and protection of sensitive equipment are the drivers for replacing the HVAC equipment serving the Influent Pumping Station at the De Pere Facility. NEW Water has partnered with Strand Associates on multiple projects recently, and asked Strand to provide design services for the Pump Station HVAC systems. The bid opening was postponed until May 5, 2020 due to COVID-19. Two bids were received, and Hurckman Mechanical Industries, Inc. provided the low bid, which was below the engineer's estimate. Hurckman Mechanical has done multiple jobs for NEW Water with good results. He requested Commission approval to award the construction contract to Hurckman Mechanical in the amount of \$142,680.

Commissioner Hasselblad asked why there was such a difference in bids. B. Brown replied the engineer's estimate was done very early in the project and was not revisited. The digital control was eliminated, which reduced the amount by approximately \$60,000. The competitive environment is also different at this time.

Commissioner Hasselblad asked if there are any gaps. B. Brown replied nothing of concern.

Motion #20-047

It was moved by Blumreich, seconded by Hoffmann, and unanimously agreed to award the construction contract for the De Pere Facility Influent Pumping Station HVAC Rehabilitation Project #20-012-CO to Hurckman Mechanical Industries, Inc. in the amount of \$129,680 and a 10% contingency of \$13,000 under the authority of the Executive Director for a total amount of \$142,680.

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- 10) **Request Commission approval to issue multiple purchase orders under the authority of the Executive Director to identify, remove, and dispose of hazardous materials associated with abandoned structures for the De Pere Facility Solids Demolition Project #17-028-CO1 at a total cost not to exceed \$245,000.**

B. Brown reported NEW Water is responsible for the removal of hazardous materials before any demolition work can begin. Costs for asbestos and subgrade paint removal were included in the Commission memo. Since the remediation scope will involve unknown additional investigation and disposal fees, staff is requesting an additional allowance under the authority of the Executive Director for abatement of hazardous materials related to the De Pere Facility Solids Demolition Project.

Commissioner Hasselblad asked if any of this material is leaking into our water resources. B. Brown replied no lead has been found in the paint to date. Commissioner Hasselblad asked staff to keep the Commission informed if any issues arise.

Motion #20-048

It was moved by Hoffmann, seconded by Tumpach, and unanimously agreed to issue multiple purchase orders under the authority of the Executive Director to identify, remove, and dispose of hazardous materials associated with abandoned structures for the De Pere Facility Solids Demolition Project #17-028-CO1 at a total cost not to exceed \$245,000.

- 11) **Request Commission approval to award the construction contract for the De Pere Facility Solids Demolition Project #17-028-CO2 to Brandenburg Industrial Service Company in the amount of \$820,000.**

B. Brown reported the Solid Building and several other buildings at the De Pere Facility are no longer useful and have been essentially abandoned. Bids were received on May 6, 2020 for demotion of several buildings and unused equipment will be removed. Four contractors were prequalified and submitted bids. Brandenburg Industrial Service Company provided the lowest base bid. The alternate bid item to remove and dispose of the remaining fill off-site from the onsite stockpile will be addressed separately in the future. He requested Commission approval to award the De Pere Facility Solids Demolition Project construction contract to Brandenburg Industrial Service Company in the amount of \$820,000.

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Motion #20-049

It was moved by Blumreich, seconded by Tumpach, and unanimously agreed to award the construction contract for the De Pere Facility Solids Demolition Project #17-028-CO2 to Brandenburg Industrial Service Company in the amount of \$745,000 with a 10% contingency of \$75,000 under the authority of the Executive Director for a total amount of \$820,000.

- 12) **Request Commission approval to enter into an agreement with Robert E. Lee & Associates, Inc. to provide construction related engineering services for the De Pere Facility Solids Demolition Project #17-028-CS in the amount of \$153,892.**

B. Brown reported that Robert E. Lee & Associates has worked with NEW Water's demolition team over the last few years to investigate and develop demolition plans and specifications. NEW Water staff requested Robert E. Lee to submit an engineering proposal for the demolition work. This work is similar to the work Robert E. Lee has been doing for Contract 35. Staff has reviewed the level of effort and finds it to be reasonable. He requested Commission approval to enter into an agreement with Robert E. Lee & Associates to provide construction related services for the De Pere Facility Solids Demolition Project in the amount of \$153,892.

Commissioner Blumreich asked what the level of insurance coverage is. T. Sigmund replied \$5,000,000 aggregate.

Motion #20-050

It was moved by Hoffmann, seconded by Tumpach, and unanimously agreed to enter into an agreement with Robert E. Lee & Associates, Inc. to provide construction related engineering services for the De Pere Facility Solids Demolition Project #17-028-CS in the amount of \$139,892 with a 10% contingency of \$14,000 under the authority of the Executive Director for a total amount of \$153,892.

- 13) **Sewer plan approvals:**

- a) **Village of Hobart Contract No. 2320-20-06; GBMSD Request #2020-14**

B. Angoli reported the Village of Hobart is requesting 2,090 feet of 8-inch PVC in the right-of-way of Copilot Way and 1,167 feet of 8-inch PVC sanitary sewer within easement. Flow would be tributary to the Ashwaubenon Creek Interceptor.

- b) **Town of Lawrence Project #L0017-9-20-00223; GBMSD Request #2020-15**

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B. Angoli reported the Town of Lawrence is requesting 228 feet of 8-inch PVC sanitary sewer in the right-of-way of Shady Lane to Shady Lane Court, 601 feet of 8-inch PVC sanitary sewer in the right-of-way of Shady Lane Court, and 280 feet of 8-inch PVC sanitary sewer within easement. Flow would be tributary to the Ninth Street interceptor.

Staff recommends approval of the proposed sewers to serve land within NEW Water subject to favorable approval from Brown County Planning and Wisconsin Department of Natural Resources (WDNR).

Motion #20-051

It was moved by Blumreich, seconded by Hoffmann, and unanimously agreed to approve the Village of Hobart and Town of Lawrence sewer plans subject to favorable approval recommendations from Brown County Planning and final approval by the WDNR.

14) Update of projects:

a) Contract 35 Solids Building 300 Demolition

B. Angoli reported the project is moving along with tentative completion in August. The milling and resurfacing of the existing plant roads continues, and roof preparation work over existing tunnel J should begin in early June. The contractor has repaired the hole in the primary effluent conduit and placed new concrete over the conduit as designed by the engineer.

b) De Pere Facility Electrical Distribution and Emergency Generator

P. Mentink reported work continues on the De Pere Facility Electrical Distribution and Emergency Generator Project. The contractor is working on the last two transformers to complete the permanent refeed to the buildings. During commissioning, it was discovered that two additional transformers would be needed to enable generator operation in parallel with the utility. Contractor is also completing final site restoration and punch list items. The contractor anticipates work to be completed by mid-June. There will be a couple of change orders to close out the project with no budget impact. The De Pere Facility is completely on the new electrical equipment.

Commission Blumreich asked if the addition of two transformers will cause the budget to go over. P. Mentink replied the switchgear to correct grounding issues is over the bid amount, but is within the contingency amount.

Commissioner Blumreich asked if it is common to have these transformers required when working in parallel. P. Mentink replied yes, the engineer and supplier say this is common.

Commissioner Blumreich asked who the engineer is. P. Mentink replied Short Elliot Hendrickson.

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N. Qualls stated that staff is working through who is responsible for the additional costs.

15) **April 2020 Operations report.**

P. Wescott reported both facilities were in full compliance with all effluent limits for the month of April. The granular activated carbon unit was restarted in mid-February. NEW Water is required to complete an annual air emissions test, which establishes new operating limits for the incinerator. NEW Water completed a stack test in March, and emissions were within normal results, except for particulate matter. Staff began some investigation and engaged some industry experts and consultants to understand the particular matter results. Staff has not determined the exact reason, but there was some residual in the beakers during the test in March. The residual was sent to a lab to identify the source and determine if the residual impacted the particulate test. NEW Water also had sections of the ducting that transfers incinerator exhaust to the stack professionally cleaned. NEW Water conducted a voluntary engineering emissions test on May 14, 2020, and the results indicate that emissions of particulate matter were within permit limits. A second compliance test will be conducted today.

Commissioner Hasselblad asked staff to provide the Commission with the results of the second test. T. Sigmund stated that staff should receive draft results next week.

P. Wescott reported onsite electrical generation was constrained by mechanical issues on both of the bio-gas engines. One engine ran only 90 hours in the month of April. A good portion of the month NEW Water was sending the remaining bio-gas volume through the waste gas flare and purchasing electricity. One bio-gas engine has been returned to operation and is currently working well. The manufacturer is working to get the second unit installed and operational. This situation remains a concern for NEW Water.

16) **Executive Director's report:**

a) **June Commission meeting**

The June Commission meeting will be held on Wednesday, June 24, 2020, beginning at 8:30 a.m. The meeting will be held via Zoom videoconference.

b) **Kayli Van Effen was promoted to WWTP Operator**

Kayli Van Effen was promoted to WWTP operator from Operator-in-Training. She has been with NEW Water just under two years.

c) **Watershed Programs Department update**

The Bay Guardian was launched successfully in April, and is docked at the Green Bay Yacht Club.

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The Aquatic Monitoring Program and Watershed Monitoring Program sampling seasons have begun. Staff is working with a team on how to do this work as safely as possible.

d) COVID-19 sampling

NEW Water is providing influent samples from the Green Bay and De Pere facilities to the University of Wisconsin-Milwaukee for research in tracking the COVID-19 virus in wastewater. A number of utilities are doing the same thing with different entities. UW-Milwaukee is looking to secure funding for this research project, and NEW Water has provided a letter of support. UW-Milwaukee is collecting samples, but has not yet started testing.

e) COVID-19 paid leave statistics

Twenty-seven employees have utilized COVID-19 related paid leave from March 15, 2020 through May 16, 2020.

f) COVID-19 response update

Throughout the COVID-19 outbreak, NEW Water's service to the community has not been compromised. NEW Water's most important value is the health and safety of its staff. Sharon Thieszen is working with an onsite team to monitor the situation daily and updates the Executive Director. Staff is working on a process to return to normal operations. Staff is monitoring Brown County's health statistics on when it is safe for staff to return onsite. Sixty percent of NEW Water's staff are working remotely. Once NEW Water makes the decision to move forward with Stage One, there is a two-week lag time before it is implemented, as long as things are progressing in the right direction. NEW Water is offering virtual tours on its website.

g) Emergency Order update

At the March Commission meeting, the Commission approved an Emergency Order Delegating Authority to allow the Executive Director to take action on behalf of NEW Water in the event a quorum could not be obtained. The Emergency Order is set to expire on May 31, 2020. The Zoom videoconference is working well, so staff recommends to let the Emergency Order expire.

h) Results of General Obligation Bonds refinancing

NEW Water went to market on May 6, 2020 to refinance an existing tax-exempt 25-year \$20,000,000 General Obligation Bonds. The refinancing sale was favorable with a net present value savings of almost \$2,400,000, which is about 12% over the remaining life of the bond. It is savings of \$147,000.

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Commissioner Blumreich encouraged all participants to wear ear buds because it reduces feedback, which increases the quality of the call.

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

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Secretary