

GREEN BAY METROPOLITAN SEWERAGE DISTRICT

PROCEEDINGS OF THE COMMISSION

Regular meeting of the Commission held via Zoom videoconference on December 7, 2022.

PRESENT: Commissioners Hasselblad, Blumreich, Hoffmann, and Tumpach

ABSENT: Commissioners Meinz

ALSO PRESENT: T. Sigmund, N. Qualls, B. Vander Loop, E. Tietzen, J. Smudde, P. Wescott, B. Clausen, P. Smits, B. Angoli, T. Biese, R. Bach, J. Valenta, L. Vickman, B. Bartel, B. Oldenburg, L. Sarau, G. Ashauer, T. Garrison, E. Houghton, S. Georgel, J. Smies – Legal Counsel, J. Brunette – City of Green Bay, C. Wydeven – Court Reporter, Bay Reporting Service, Inc.

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

1) **Safety Moment.**

T. Sigmund gave a safety update on snow blower safety.

At this time, Commissioner Hasselblad said a few kind words in regards to the passing of former Commissioner Clarence Matuszek.

Commissioner Hasselblad also mentioned that this is Commissioner Hoffmann's last meeting. She expressed her gratitude for his years of service to NEW Water's Commission.

2) **Budget Hearing.**

T. Sigmund gave a presentation of the 2023 Budget which included the following:

- Changes to the 2023 Budget from the October 26 Presentation
- 2023 Proposed Expenses
- 2023 Revenue
- Municipal Rate Comparison
- 2023 Budget Summary
- Next Steps

3) **Budget Adoption.**

T. Sigmund requested Commission approval of the budget as presented.

Motion #22-082

It was moved by Blumreich, seconded by Hoffmann, and unanimously agreed to adopt the 2023 Budget.

4) **Public Hearing on Sewer Use Ordinance.**

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Commissioner Hasselblad stated the next agenda item is a public hearing on proposed revisions to the Green Bay Metropolitan Sewerage District's (GBMSD) Sewer Use Ordinance. GBMSD has a Sewer Use Ordinance which contains the rules adopted by its Commission about how GBMSD is governed. Whenever staff revises or adds to the Sewer Use Ordinance, a hearing is held to listen to input from the public. This is required by Sections 200.11 and 200.45 of the Wisconsin Statutes. The procedure GBMSD follows is described by Section 227.18 of the Wisconsin Administrative Code. It requires that GBMSD explain the purpose of the hearing, present a summary of the factual information on which the proposed rule or rule change is based, allow interested persons to express their opinions about the rule change, and keep a record of what GBMSD is doing. Therefore, there is a court reporter here, Christie Wydeven of Bay Reporting, who is going to be making a record of this hearing.

Attorney Jon Smies reported that the procedural requirements have been met. The notice of the public hearing published in the Green Bay Press-Gazette, the summary of the proposed modifications to the Sewer Use Ordinance that was published in the Press-Gazette, and the Affidavit of Mailing were given to the court reporter and is to be made part of a record of these proceedings.

Sara Georgel, Pretreatment Program Coordinator, provided some factual background and reviewed the proposed language changes to the Sewer Use Ordinance. These changes were all outlined in the Notice of Public Hearing that were provided to staff.

Commissioner Hasselblad asked three times if there is anyone here who wishes to comment about the proposed revisions to the Sewer Use Ordinance. Hasselblad commended staff at NEW Water, the brand of the Green Bay Metropolitan Sewerage District, on a job well done with the Sewer Use Ordinance.

Commissioner Hasselblad stated seeing no one else wants to offer any additional comments, she declared the hearing closed at 8:51 a.m.

5) Request Commission approval of the proposed language changes to the Green Bay Metropolitan Sewerage District Sewer Use Ordinance.

S. Georgel requested Commission approval of the Green Bay Metropolitan Sewerage District Sewer Use Ordinance as proposed.

Motion #22-083

It was moved by Blumreich, seconded by Hoffmann and unanimously agreed to approve the proposed language changes to the GBMSD Sewer Use Ordinance.

6) 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 State Statute 19.85(1)(g) for the purpose of conferring with legal counsel for the

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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) **Potential transfer of certain interceptor segments pursuant to Section 5.05 of the Sewer Use Ordinance to a municipality.**
- b) **Litigation involving Bayview Interceptor.**
- c) **Potential litigation resulting from environmental testing by significant industrial user.**
- d) **Discussion of negotiation strategy concerning an industrial customer.**

Motion #22-084

It was moved by Blumreich, seconded by Hoffmann, 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 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.

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

Motion #22-085

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

- 8) **Approval of minutes of Commission Meeting held October 26, 2022 and November 10, 2022.**

Motion #22-086

It was moved by Blumreich, seconded by Hoffmann and unanimously agreed to approve the meeting minutes from the October 26, 2022 and November 10, 2022 Commission meetings, as distributed.

- 9) **Request Commission approval of resolution that gives the Executive Director the authority to sign for the receipt of grants.**

T. Sigmund stated grant applications at times require documentation of signature authority to be included with state and federal grant applications. A resolution has been drafted that would authorize the Executive Director to execute grants on behalf of NEW Water.

Commissioner Tumpach questioned how staff was able to do this in the past without a formal resolution, and T. Sigmund responded that a recent application was the first time that staff had encountered the issue. J. Smudde mentioned this will be something that NEW Water will be able to use for more applications in the future.

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Motion #22-087

It was moved by Blumreich, seconded by Hoffmann, and unanimously agreed to adopt the resolution authorizing the Executive Director to execute grant applications on behalf of the Green Bay Metropolitan Sewerage District.

- 10) **Request Commission approval to enter into an agreement with Brown & Caldwell to provide professional services for the design of the East River Interceptor, East Fox River Interceptor, and Fox River Crossing Interceptor Renewal Project in the amount of \$608,361.**

L. Sarau stated the East River Interceptor, East Fox River Interceptor, and Fox River Crossing Interceptors have all been identified as areas that require renewal or rehabilitation in the Interceptor Systems Master Plan from 2018. Using the map provided to, L. Sarau indicated that the areas highlighted in yellow were up for renewal due to the deterioration of the concrete pipes and manholes. Challenges of this project include location of the pipes, higher than average flows, and the shape of the pipe itself. This will also require a significant amount of communication with community stakeholders during the project due to the complexity. In October, staff had sent out six proposal requests to multiple engineering firms, and reviewed completed proposals on the following areas: project team, consultant qualifications, schedule, project approach, and cost. After much review, Brown & Caldwell was chosen to provide the professional engineering services to complete the project due to strength and experience of their personnel, execution of similar projects for other utilities, and their detailed project approach. L. Sarau recommended Commission approval to authorize the Executive Director to negotiate and enter into a contractual agreement with Brown & Caldwell to provide engineering services to complete the project design services for this project in the amount of \$529,011 and a 15% contingency of \$79,350 for a total amount of \$608,361 to be administered under the authority of the Executive Director

Motion #22-088

It was moved by Blumreich, seconded by Hoffmann, and unanimously agreed to authorize the Executive Director to negotiate and enter into a contractual agreement with Brown & Caldwell to provide engineering services to complete the project design services for the East River Interceptor, East Fox River Interceptor, and Fox River Crossing Interceptor Renewal Project in the amount of \$529,011 and a 15% contingency of \$79,350 for a total amount of \$608,361 to be administered under the authority of the Executive Director.

- 11) **Request Commission approval of Resolution Declaring Official Intent to Reimburse Expenditures from the Proceeds of Borrowing for the East River Interceptor, East Fox River Interceptor, and Fox River Crossing Interceptor Renewal Project in the amount of \$11,400,000.**

L. Sarau stated the Reimbursement Resolutions allow NEW Water to request reimbursement for internal funds expended prior to the Clean Water Fund loan or bond closing for the East River Interceptor, East Fox River Interceptor, and Fox River Crossing Interceptor Renewal Project. Staff

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recommends Commission approval of the Resolution Declaring Official Intent to Reimburse Expenditures Proceeds of Borrowing for the East River Interceptor, East Fox River Interceptor, and Fox River Crossing Interceptor Renewal Project in the amount of \$11,400,000.

Motion #22-089

It was moved by Blumreich, seconded by Hoffmann, and unanimously agreed to approve the Resolution Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing for the East River Interceptor, East Fox River Interceptor, and Fox River Crossing Interceptor Renewal Project in the amount of \$11,400,000.

12) Sewer Plan Approvals.

a) Village of Bellevue, Costco Way Extension, GBMSD Request #2022-27. Tributary Interceptor: East River Bellevue Interceptor (ERB)

GBMSD Request #2022-27 includes 571 feet of 8-inch PVC sanitary sewer within the right-of-way Costco Way. Flow will be tributary to East River Bellevue Interceptor.

b) Village of Luxemburg, Keystone Heights, GBMSD Request #2022-28 Tributary Interceptor: Wequiock Creek Interceptor (WCI)

GBMSD Request #2022-28 includes 231 feet of 8-inch sanitary sewer within Easement Lots 3/4, 1,042 feet of 8-inch sanitary sewer within the right-of-way of Good Times Court and Good Times Drive, 1,122 feet of 8-inch sanitary sewer within the right-of-way Hairpin Lane, 920 feet of 8-inch sanitary sewer within the right-of-way of Dan O Court and Dan O Lane, 684 feet of 8-inch sanitary sewer within the right-of-way of Pit Road and 911 feet of 8-inch sanitary sewer within the right-of-way of Sunshine Lane. Flow will be tributary to Wequiock Creek Interceptor. This approval will be contingent upon the Village of Luxemburg's pending Sewer Service Area Amendment being approved by the Wisconsin Department of Natural Resources (WDNR).

Motion #22-090

It was moved by Blumreich, seconded by Hoffmann and unanimously agreed to approve the Village of Bellevue and the Village of Luxemburg sewer plans for the proposed sewers to serve the land located within NEW Water. This approval is subject to favorable recommendations from Bay Lake Regional Planning Commission and final approval by the WDNR of sanitary sewer extension permit, and is subject to Bay Lake Regional Planning Commission and WDNR approval of the Sewer Service Area Agreement.

13) October Financials.

B. Clausen reported operating revenues in total were favorable to budget, by 4% in October and 5% year to date. Revenues have been favorable due to more TSS and BOD, offset by Less Flow Volume.

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Operating expenses in October were favorable to budget by 2% from less expenditures than budgeted for contracted services and interceptor maintenance, offset by solid waste disposal and plant maintenance. Year to date, total operating expenses have been favorable to budget by 2% from less expenditures than budgeted in contracted services, interceptor maintenance, salary, and benefits; offset by power, chemicals, plant maintenance, and solid waste disposal.

Commissioner Hoffmann requested additional information about the difference in power, and why it cannot be better predicted. P. Wescott gave insight on how NEW Water had transitioned to operating a one-engine generator instead of the two-engine generator as originally planned, and how staff uses a prediction of what the Wisconsin Public Service Commission will grant as a rate increase for the following year. Because of a number of hard to predict factors, NEW Water sometimes experiences this variance.

14) Update of Projects.

a) DPF Tertiary Filtration and Service Water Improvement Project

B. Angoli stated site work is being finalized and is moving along. A note was received December 7 stating that the piping for Change Order 6 will be delivered on-site by Monday, December 12. Commissioner Hasselblad asked about the outstanding issue between Contractor and Engineer, and if there will be a resolution in the future. B. Angoli stated he is working with them to see if they plan on moving forward or dropping the issue.

15) October 2022 Operations report.

P. Wescott reported both facilities were in full compliance with all effluent limits for the month of October. The Green Bay Facility tied performance records for Ammonia for average daily concentration, average pounds discharged per day, and for total pounds discharged per month.

For the month of October, the solids processing facility generated 1,503 MWH of electricity. Total bio-gas volume recovered was 207,296 CCF. This is approximately 97% of the total volume produced. The remaining volume was sent through the waste gas flare. NEW Water received 917,200 gallons of high-strength waste in October.

Stack testing conducted last week came back positive, and initial reports showed NEW Water to be in full compliance.

16) Executive Director's report.

a) January Commission meeting

The January Commission meeting will be held Wednesday, January 18, 2023, beginning at 8:30 a.m. This will be held both in person and via Zoom. This meeting falls on the third Wednesday of the month. Due to the timing of this meeting, the December Financials and Operations Report will not be provided.

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b) COVID-19 Update

A general update on COVID-19 was provided to the Commission.

c) Draft 2023 Commission meeting schedule.

A schedule for the 2023 Commission meetings was included in the Commission Packet

d) Disclosure of Related Party Transactions

Commissioners are required to sign the Disclosure of Related Party Transactions form every year. Electronic Signatures can be used.

e) Beth Clausen promoted to Director of Business Services

Beth Clausen has been promoted to the Director of Business Services. Commissioners congratulated B. Clausen on her promotion.

f) Austin Charniack, Reece Glish, Megan Orby promoted to Operator III

Austin Charniack, Reece Glish, Megan Orby were promoted to Operator III.

g) NEW Water Policy Review Project

The internal team that is working on the improvement of NEW Water's policy review and approval process gave a general outline of the items that are currently being studied. This team plans on bringing a recommendation for defining the approval authority for various policy types during a Commission meeting held in the first quarter of 2023 for further guidance.

h) PFAS Update

NEW Water submitted written comments to the Environmental Protection Agency (EPA) and encouraged its municipal partners to follow suit by providing a template letter along with information on how to submit.

i) Officer Nominations

An item on the January 18, 2023, Commission agenda will be election of NEW Water Commission officers for 2023. Commissioners should forward any nominations for President and Secretary to Tom Sigmund, and the Commission will elect the President and Secretary at the January Meeting.

There being no further business to come before the Commission, the meeting adjourned at 9:42 a.m.

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James F. Blumrick

Secretary