

GREEN BAY METROPOLITAN SEWERAGE DISTRICT

PROCEEDINGS OF THE COMMISSION

Regular meeting of the Commission held via Zoom videoconference on February 28, 2024.

PRESENT: Commissioners Hasselblad, Mainz, Tumpach, and Blumreich

ABSENT: Commissioner Danen

ALSO PRESENT: T. Sigmund, N. Qualls, P. Wescott, J. Smudde, B. Clausen, E. Tietyen, B. Brown, B. Oldenburg, K. Verbeten, P. Smits, G. Ashauer, B. Angoli, T. Biese, T. Garrison, S. Thieszen, J. Valenta, R. Bach, J. Becken, L. Sarau, M. Steppe – Nicolet National Bank and J. Smies–Legal Counsel.

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

1) Safety Moment.

T. Sigmund gave a safety update on work place eye safety.

2) Approval of minutes of Commission meeting held January 24, 2024.

Motion #24-011

It was moved by Mainz, seconded by Blumreich, and unanimously agreed to approve the January 24, 2024 meeting minutes as distributed.

3) Request Commission approval to enter into an agreement with Jacobs Engineering Group Inc. to provide design services for the Green Bay Facility Pump Station and Headworks Project in the amount of \$3,438,299.

T. Biese stated NEW Water, the brand of the Green Bay Metropolitan Sewerage District, completed a Facility Plan for the Green Bay (GBF) and De Pere (DPF) Wastewater Treatment Plant Facilities that was adopted by the Commission on July 20, 2022. This plan identified the GBF Pump Station and Headworks project as a necessary near-term improvement; primarily due to peak flow capacity issues, aging infrastructure and operational challenges due to ineffective grit and screening capture. NEW Water created a scope of services which was incorporated into a Request for Proposal (RFP) which was sent to seven consulting engineering firms for consideration. The two engineering teams that provided a proposal back included Black & Veatch/Donohue & Associates and Jacobs Engineering Group, Inc. After reviewing the proposals, staff is recommending Jacobs Engineering Group, Inc. be awarded the design agreement. During the selection process, allowances were negotiated and a table detailing those costs were provided to Commission.

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Motion #24-012

It was moved by Mainz, seconded by Blumreich, and unanimously agreed to the approval authorizing the Executive Director to enter into a contractual agreement with Jacobs Engineering Group, Inc. to provide engineering services to complete the project design services for the Pump Station and Headworks Project in the amount \$1,953,600, an allowance for additional design services in the amount of \$1,174,699, and a 10% contingency of \$310,000 for a total amount of \$3,438,299 to be administered under the authority of the Executive Director.

- 4) **Request Commission approval of the Resolution Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing for the Green Bay Facility Pump Station and Headworks Project in the amount of \$60,000,000.**

T. Biese stated the resolution is intended to declare reimbursement to NEW Water for capital project expenditures made before issuance of the Clean Water Fund Program tax exempt bonds for the Green Bay Facility Pump Stations and Headworks Project.

Motion #24-013

It was moved by Blumreich and second by Mainz, and unanimously agreed to approve the Resolution Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing for the Green Bay Facility Pump Station and Headworks Project in the amount of \$60,000,000. (Resolution #24-003 is on file at the NEW Water offices).

- 5) **Request Commission approval to increase the contingency of the Interstate 41 – Ninth Street Interceptor Relocation Project by \$13,970.**

L. Sarau stated during the November 14, 2023 Commission Meeting, the Ninth Street Interceptor Relocation Project for the South Bridge Connector was approved. During design, Donohue & Associates reached out to GESTRA, the geotechnical engineer that the Wisconsin Department of Transportation (WisDOT) utilized for their interchange project, for assistance with a geotechnical investigation specific to the design of the relocated interceptor. The geotechnical engineer has recommended a more robust geotechnical investigation than originally anticipated based on the knowledge of the local soils. This investigation would include GESTRA providing an additional analysis, recommendations, and cost estimates for settlement mitigation. The enhanced geotechnical investigation was included in Amendment #2, but will leave only \$30 remaining in the project contingency. Given the desire to prevent delays, staff is looking to restore the original contingency.

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Motion #24-014

It was moved by Blumreich and second by Mainz, and unanimously agreed to approve the increase of contingency for Ninth Street Interceptor Relocation Project by an amount of \$13,970 for a total authorized contingency of \$27,970 to be administered under the authority of the Executive Director.

6) Sewer plan approvals:

- a. Village of Howard, Project #24008, GBMSD Request #2024-07.
- b. Village of Howard, Project #24010, GBMSD Request #2024-08.
- c. Town of Lawrence, Project #09-023-00254, GBMSD Request #2024-09.
- d. Village of Hobart, Contract #2320-24-02, GBMSD Request #2024-10.
- e. Village of Bellevue, Project #K-16805, GBMSD Request #20241-11.

Motion #24-015

It was moved by Mainz, seconded by Blumreich, and unanimously agreed to approve the Village of Howard, Town of Lawrence, Village of Hobart and Village of Bellevue plans for the proposed sewers to serve land located within NEW Water. This approval is subject to favorable approval recommendations from Brown County Planning and final approval by the Wisconsin Department of Natural Resources.

7) 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:

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

Motion #24-016

It was moved by Mainz, seconded by Blumreich, 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.

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8) Reconvene in open session.

Motion #24-017

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

9) Update of Projects:

a) DPF Tertiary Filtration and Service Water Improvements Updates.

B. Angoli stated a meeting with the manufacturer, contractor, engineer, and NEW Water staff was held to discuss filter media issue and closeout. Manufacturer will provide a report on the findings from additional media testing in early March. Staff is evaluating a path to project closeout.

b) Green Bay Facility Service Water Replacement Project.

R. Brown stated the project is progressing as planned with pipe and fitting preparation continuing as materials arrive. Old piping was removed and the installation of new piping in tunnel J should be finished when critical fittings are delivered. Service water flow will be temporarily diverted in late March to allow for pump installation and demolition.

10) Nicolet National Bank Investment Update.

Mike Steppe of Nicolet National Bank provided the Commissioners with information on NEW Water's Investment Portfolio and an Economic & Financial update.

11) December 2023 Preliminary Financials.

C. Mueller reported December's operating revenues were unfavorable to budget due to less flow volume due to lower precipitation. Year to date, total operating revenues were favorable to budget due to additional BOD Loadings from Green Bay Packaging and Packerland Whey, and additional TKN due to elevated loads from Packerland Whey.

December's operating expenses were unfavorable to budget due to more expenditures than budgeted in plant maintenance, benefits, and solid waste disposal. Year to date, operating expenses were unfavorable to budget from more expenditures than budgeted in plant maintenance, chemicals, power, and interceptor maintenance; offset by contracted services, salaries, and administrative and information technology.

C. Mueller stated the 2023 Financial Audit will be completed late March and will be presented to the Commissioners at the May 22, 2024 Commission meeting.

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12) Executive Director Search Update.

E. Tietyen reported that promotional materials that highlight the role are underway, and will be shared with the Commission when a formal draft is completed for feedback. An ad-hoc group consisting of two Commissioners and the Human Resources Manager was suggested to assist with the applicant screening process to allow for greater flexibility in scheduling. Commissioners Mainz and Blumreich volunteered to be a part of the ad-hoc group.

13) January 2024 Operations Report.

P. Wescott reported both facilities were in full compliance with all effluent limits in the month of January. The Green Bay Facility was in compliance with air quality limits for the month of January.

For the month of January, the solids processing facility generated 1,366 MWH of electricity. Total bio-gas volume recovered was 159,579 CCF. This is just over 99% of the total volume produced. The remaining volume was sent through the waste gas flare. NEW Water received 448,135 gallons of high strength waste in January.

P. Wescott went on to report that the EPA Administrative Consent Order that was issued to NEW Water in February of 2022 has been terminated. The Consent Order was initially in place due to mercury emission exceedance from the fluid bed incinerator when the unit was intermittently operated between November 21, 2019 and March 19, 2020. The system was intermittently operated to minimize impacts to the liquids treatment system while the granulated activated carbon system was being repaired. NEW Water successfully complied with all compliance terms issued by the EPA.

14) Executive Director's Report:

a) March Commission Meeting.

The next meeting will be held March 27, 2024, at 8:30 a.m. via hybrid meeting.

b) Executive Director Approved Agreements.

A document summarizing the agreements that have been approved since August 2023 was provided.

c) Clean Water Fund Funding Capacity Update.

The Wisconsin Department of Natural Resources' (WDNR) Clean Water Fund Program (CWFP) announced that the program would not be able to fund all financial assistance applications for the first time in its history due to assistance requests exceeding historical norms. While NEW Water continues

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to engage with the CWFPP, staff is reviewing alternative funding approaches for capital projects. NEW Water staff believes that this will have a negative impact on the 2025 budget.

d) NACWA Award.

NEW Water was honored with a 2024 Public Information & Education Award from the National Associated of Clean Water Agencies (NACWA) for its initiative, "Planning for the Future in Northeast Wisconsin", a communication and education program plan and implementation regarding critical infrastructure upgrades.

e) NEW Water Policies

The Dress Code Policy and Family Medical Leave Policy, which are both Executive Director approved policies, were reviewed and transitioned onto the new policy template and provided to the Commission for review.

At this time Commissioner Hasselblad reminded staff that March is Women's History Month, and took a moment to recognize and express gratitude for all the women NEW Water has employed currently and over the years.

There being no further business to come before the Commission, the meeting adjourned at 10:19 a.m.

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Vice President