

## **PROCEEDINGS OF THE CENTRAL BROWN COUNTY WATER AUTHORITY**

Pursuant to Section 19.84 Wis. Stats., regular meeting of the **Central Brown County Water Authority** was held on Wednesday, January 14, 2009, at the DePere City Hall, 2<sup>nd</sup> Floor – 335 South Broadway, DePere, WI

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**Present:** Allouez – Kopish, Bellevue-Oppenheimer, De Pere-Thoresen,  
Lawrence-Tremel, Ledgeview- Burdette

**Excused:** Howard

**Also**

**Present:** Dave Vaclavik – Public Management Partners  
Gary Rosenbeck – McMahon  
Scott Thoresen – Chairman Technical Committee

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The meeting was called to order by President Delo at 3:03 p.m.

**Roll Call:**

Call the roll for attendance. Roll call was taken as noted above.

**Approval of Agenda:**

Approve Agenda

**Motion made by DePere and seconded by Ledgeview to approve the agenda.**

**MOTION APPROVED UNANIMOUSLY**

**Approval of Minutes:**

Approve Minutes: December 10, 2008

**Motion made by Ledgeview and seconded by Bellevue to approve the minutes.**

**MOTION APPROVED UNANIMOUSLY**

**Appearances:**

1. None Scheduled

**Administrative Committee Recommendations:**

Mr. Oppenheimer highlighted discussion from the meeting held this date.

1. **Recommendation regarding Wells Fargo Proposed Banking Services:**  
A recommendation was made by the Administrative Committee to transfer funds into a sweep account with Wells Fargo, while auditors review policy related to using a government money market fund.
2. **Preliminary True-Up Charge Calculations:**  
Member communities are reviewing true-up charge calculations. Although Mr. Vaclavik stated he is inclined not to issue refunds because of pending litigation, if rebates are considered, they will be pro-rated.

3. **Security Fund Update – Fund Transfer:**  
This matter will come back to committee for further discussion and recommendation.

4. **Financial Reports:**

**Motion made by Ledgeview and seconded by Bellevue to approve.**  
**MOTION APPROVED UNANIMOUSLY**

5. **Pay Authorizations: Vouchers:**

**Motion made by Lawrence and seconded by Ledgeview to approve.**  
**MOTION APPROVED UNANIMOUSLY**

**Technical Committee Recommendations:**

Highlights of the meeting held on January 12, 2009 were reported by Scott Thoresen, Dave Vaclavik, and Gary Rosenbeck.

1. **Registration and Interim Approval for Water Withdrawal in the Great Lakes Basin:**

Issues related to zero base line were discussed with Attorney Kobza and the DNR. A single letter will be drafted from all community members.

2. **Water System Study – Request for Proposals – Selection Committee:**

It was suggested by the Technical Committee that a selection committee be formed to draft an RFP for a water system study. The Technical Committee has assigned members from Allouez (Berndt), Bellevue (Balke) and Howard (Farr), and suggest that a Board member also serve. Mr. Delo asked that DePere have a representative and suggested Scott Thoresen. Mr. Kopish of Allouez agreed to represent the Board. An award will be made in March.

3. **Proposals:**

- a. **McMahon – As-Built Drawings in the amount of \$17,500:**

Although a proposal from McMahon to complete as built drawings in the amount of \$17,500 was recommended by the Technical Committee, discussion by the Board resulted in a recommendation that a proposal first be received for GPS mapping.

**Motion made by DePere and seconded by Allouez to deny the proposal of McMahon to complete as-built drawings until proposals for GIS mapping are received and considered.**  
**MOTION APPROVED UNANIMOUSLY**

- b. **McMahon – Howard Booster Station Electrical Design in the amount of \$7,700:**

This proposal is to correct problems with the transfer switch at the Howard Booster Station. McMahon estimates this cost to be \$7,700.

**Motion made by DePere and seconded by Ledgeview to approve.**  
**MOTION APPROVED UNANIMOUSLY**

4. **Pay Requests:**

- a. **Final Payment for Contract “D” – PTS Contractors - \$41,731.28:**  
DePere has expressed concern with final payment to PTS because of potential work that may need to be done on Marsh Street in the Spring of 2009 due to trench settlement and cracking.

PTS attended the 1/12/09 meeting of the Technical Committee and agreed to submit a letter accepting responsibility for this work in the Spring if final payment is made now. Such letter was received and it is now the recommendation to approve payment.

**Motion made by DePere and seconded by Bellevue to approve final payment to PTS Contractors in the amount of \$41,731.28 with the understanding they will fix any settlement or cracking issues on Marsh Street in the City of DePere in the Spring of 2009.**  
**MOTION APPROVED UNANIMOUSLY**

- b. **PTS Excavation and Bonding Strap Repair for Contract F in the amount of \$4,878.18:**

Mr. Vaclavik explained that PTS completed work on an Advance project. It is recommended that they be paid, although reimbursement will be pursued through Advance.

**Motion made by Lawrence and seconded by Ledgeview to pursue payment from Advance Construction.**  
**MOTION APPROVED UNANIMOUSLY**

**PROJECT UPDATE & STATUS REPORTS:**

1. **Engineer’s Report:**

In addition to the items discussed above, Gary Rosenbeck reported the following:

- Jossart is in the process of painting air relief valves and piping. Other than restoration, this project should now be complete. Bidding for Phase 2 will occur this spring.
- A meeting is scheduled with the City of Manitowoc to discuss resolution of settling and pavement damage issues at the Johnston Drive/Magnolia intersection.
- Corrpro has been hired to deal with continuity issues on Contract E
- Contact with Attorney Kobza continues regarding defective work and litigation issues

2. **Manager’s Report:**

Mr. Vaclavik highlighted the following activities from his written report which was distributed to members.

- Litigation – Complaints have been filed against CTE, Dorner, PTS, SJ Louis, and Michels Construction. All except Michels have been served because of continued negotiation with them.
- Hobart – The proposal remains under consideration and a decision is expected soon.

- Financial Issues including management with Wells Fargo, 2008 water consumption, true-up charges, connection charges, audit, bond payment, and security fund were highlighted.

**Old Business**

1. **Amendment to Master Water Purchase Agreement:**

Mr. Vaclavik explained that a resolution will be presented for consideration and changes to the Master Water Purchase Agreement relative to a rebate plan.

**New Business:**

1. **Establish 2009 Board Meeting Schedule:**

It is suggested that the CBCWA Board meeting be changed to the 3<sup>rd</sup> Wednesday of the month, with the Technical Committee meeting the preceding Monday. Mr. Delo will check with the room schedule at the DePere City Hall. If there is an issue, Allouez offered their boardroom. Mr. Vaclavik will provide a schedule for the year.

**Future Agenda Items:**

- GIS Mapping
- Schedule of Future Engineering Work
- 10 Year Capital Improvement Budget

**Public Comment:** None

**Closed Session:** The Board may go into closed session to discuss pending litigation pursuant to Wisconsin State Statute 19.85 (1)(g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The Board will then reconvene back into open session.

**Motion made by De Pere and seconded by Bellevue to enter into closed session at 4 p.m. MOTION APPROVED UNANIMOUSLY**

**Motion made by De Pere and seconded by Bellevue to return to regular order of business. MOTION APPROVED UNANIMOUSLY**

**Adjournment:**

**Next Meeting – Wednesday, February 18, 2009 – 3:00 p.m., De Pere City Hall**

**Motion made by Bellevue seconded by De Pere to adjourn at 4:50 p.m. MOTION APPROVED UNANIMOUSLY**

Respectfully Submitted,

Rae G. Knippel  
Recording Secretary