

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, February 18, 2009, at the DePere City Hall, 2nd Floor – 335 South Broadway, DePere, WI

Present: Allouez – Kopish, Bellevue - Oppenheimer, De Pere -Delo,
Howard - Bartelt; Lawrence -Tremel, Ledgeview - Burdette

Also

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

Via Phone: Attorney Kobza – Closed Session

The meeting was called to order by President Delo at 3:22 p.m.

Roll Call:

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

Approval of Agenda:

Approve Agenda

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

Approval of Minutes:

Approve Minutes: January 14, 2009:

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

Appearances:

1. None Scheduled

Administrative Committee Recommendations:

Mr. Oppenheimer highlighted discussion from the meeting held this date. As all members of the Board were at the meeting, only action items were considered.

1. **Wells Fargo Banking Services:**

a. **Positive Payment and Fraud Filter:**

Vicki Hellenbrand of Virchow Krause has indicated that positive payment and fraud filter services would be added protection given a small staff and the inability to adequately separate accounting and control functions. As the pay process requires that someone other than the manager submit the voucher list to Wells Fargo upon approval by the Board, it was suggested that it be faxed to the bank by the Treasurer or President at the conclusion of each Board meeting.

Motion made by De Pere and seconded by Lawrence to accept the recommendation of the Administrative Committee to approve positive payment and fraud filter services with Wells Fargo Bank. MOTION APPROVED UNANIMOUSLY

b. **Wire Transfer Authorizations:**

A recommendation was made by the Administrative Committee to approve wire transfer authorization to the Board President and Administrative Committee Chair in the absence of the Manager or Treasurer.

Motion made by Bellevue and seconded by Allouez to accept the recommendation of the Administrative Committee and approve wire transfer authorization to the Board President and Administrative Committee Chair in the absence of the Manager of Treasurer.

MOTION APPROVED UNANIMOUSLY

c. **Account Balances and Scheduled Transfers:**

Automatic monthly transfers from the checking account to the security fund will begin in March with Wells Fargo.

d. **Investment Recommendations (if ready):**

A meeting will be held with Wells Fargo to discuss options regarding investments.

2. **Employment Negotiations – Update:**

Legal counsel has prepared a draft employment agreement. The document will be reviewed and it is expected the agreement will be approved by the Board in March, effective April 1, 2009.

3. **True-Up Charge History – Discussion of Policy:**

See Discussion in #5 below.

4. **Water Purchase Agreement – Amendment #4:**

An amendment to the Water Purchase Agreement has been drafted by Attorney Kobza. This amendment will require that rebates be issued to members when the total collected by the Authority exceeds budget estimates for the year. A suggestion to complete a rate structure analysis will be on the next agenda of the Administrative Committee for further discussion.

5. **Recommendations regarding True-Up Charge Rebate for 2008:**

Calculations of true-up charges and rebates based on the presumption that the CBCWA wishes to make rebate payments in 2008 was distributed and discussed. The numbers are not final at this time as Lawrence has questioned the basis for the charges. Their auditor is presently compiling flow information.

In preparing true-up charges, there have been issues related to contractual language involving use of well water, purchase of water from other communities, and use of well water as an emergency supply. At this time, the Administrative Committee recommends approval of the proposed true-up charges for 2008.

Motion made by Bellevue and seconded by Allouez to accept the recommendation of the Administrative Committee and approve the proposed true-up charges for 2008. MOTION APPROVED UNANIMOUSLY

6. **Water Purchase Agreement – Exhibit “F” – Development Charges:**

In addition to capacity charges billed to each community, the Water Purchase Agreement calls for a development charge to be applied to properties annexed to member communities. This agreement is to be based on a contract attachment referred to as “Exhibit F”. A request was made for members to provide the Manager with information regarding properties subject to development charges.

7. **CBCWA Member/Customer Service Policies:**

The suggestion that consideration be given to the creation of a customer class was presented. Based on current contract language, new customers would be precluded, although there is an ability to amend how new members would be charged. Because the establishment of a customer class may be attractive to a number of potential customers, it was recommended that the Manager discuss amendments and potential consequences of pursuing such legislative changes with legal counsel.

Motion made by Bellevue and seconded by Lawrence to accept the recommendation of the Administrative Committee to approve that the Manager be authorized to move forward with the creation of legislation to establish a “customer class” for the CBCWA. MOTION APPROVED UNANIMOUSLY

8. **CBCW 10 Year CIP:**

Discussion of a 10 year CIP will continue at the Technical Committee level.

9. **Direct Purchase of Automatic Transfer Switch for the Hobart Pump Station:**

A recommendation has been made by Gary Rosenbeck of McMahon to install an 800 amp switch at the Hobart Pump Station, which he has stated should be adequate for any foreseeable use. The switch will be placed inside the existing building as originally intended and will be less costly than replacement of the existing 1600 amp switch. Cost is \$10,676.23

Motion made by Bellevue and seconded by Allouez to accept the recommendation of the Administrative Committee for payment of an automatic transfer switch at the Hobart pump station in the amount of \$10,676.23. MOTION APPROVED UNANIMOUSLY

10. **Financial Reports:**

As budget information was not entered into the QuickBooks system, a current financial report will be presented at the March meeting.

11. **Pay Authorizations: Vouchers:**

Motion made by Bellevue and seconded by Allouez to accept the recommendation of the Administrative Committee to pay authorizations/vouchers. MOTION APPROVED UNANIMOUSLY

Technical Committee Recommendations:

Highlights of the meeting held on February 16, 2009 were reported by Scott Thoresen, Dave Vaclavik, and Gary Rosenbeck.

1. **Approve the ownership transfer of 16” pipeline in Bellevue to the Village of Bellevue and authorize the attorney to draft an appropriate Bill of Sale:**

Mr. Thoresen explained that a section of pipeline built by the CBCWA in lieu of another connection station was planned to be transferred to the Village of Bellevue upon completion. That project has now been completed and the warranty period has expired. The Technical Committee recommends transferring the pipe to the Village at this time as intended. It was suggested that Attorney Kobza be asked to draft an appropriate Bill of Sale.

Motion made by De Pere and seconded by Lawrence to accept the recommendation of the Technical Committee to approve the ownership transfer of the 16" pipeline in Bellevue to the Village of Bellevue and authorize the attorney to draft an appropriate Bill of Sale.

MOTION APPROVED UNANIMOUSLY

2. **Approve the redesign of the Automatic Transfer Switch at the Hobart Pump Station to an 800 amp located inside the building:**

Based on engineering recommendations, the Technical Committee is requesting approval for the redesign of the automatic transfer switch at the Hobart pump station to an 800 amp to be located inside the building.

Motion made by Allouez and seconded by Bellevue to accept the recommendation of the Technical Committee to approve the redesign of the Automatic Transfer Switch at the Hobart Pump Station to an 800 amp located inside the building. MOTION APPROVED UNANIMOUSLY

3. **Pay Requests:**

- a. **Payment #2 for Jossart Brothers, Air Relief Valve Modifications, \$81,041.65:**

This is the second payment on this project. All substantive work is complete and adequate retainage is being held to provide for restoration and punch list items in the spring.

Motion made by De Pere and seconded by Allouez to accept the recommendation of the Technical Committee to approve payment #2 to Jossart Brothers for air relief valve modifications in the amount of \$81,041.65. MOTION APPROVED UNANIMOUSLY

- b. **Contract Close-Out/Release of Final Payment - EFI, Contract F, \$31,759.18:**

A request has been received from MPU asking that final payment on this project be released.

Motion made by Allouez and seconded by Ledgeview to accept the recommendation of the Technical Committee to approve contract close-out/release of final payment to EFI, Contract F, in the amount of \$31,759.18. MOTION APPROVED UNANIMOUSLY

(Sara Burdett of Ledgeview excused at 3:35 p.m.)

Project Update and Status Reports:

1. **Engineer's Report:**

2. **Manager's Report:**

Mr. Vaclavik referred to his agenda report, adding that the litigation process is proceeding, and that year end financials are in process with the bank. Action has been filed with CTE and a hearing is scheduled for March 13th. CTE has filed an answer and may add other parties to the action. In addition, a trial date of 11/16/09 has been set for SJ Louis, however mediation is probable. Michels has proposed a three party agreement including them, PTS and the CBCWA. There is no scheduling order as of this date. Discussions are ongoing with the Village of Hobart regarding emergency service.

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. Roll Call:
Present: Allouez, Bellevue, De Pere, Howard, Lawrence
Excused: Ledgeview **MOTION APPROVED**

Motion made by Howard and seconded by Bellevue to return to Open Session. Roll Call:
Present: Allouez, Bellevue, De Pere, Howard, Lawrence
Excused: Ledgeview **MOTION APPROVED**

Old Business: None.

New Business: None

Future Agenda Items:

Public Comment: None

Adjournment:

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

Motion made by Lawrence seconded by Howard to adjourn at 4:07 p.m.
MOTION APPROVED UNANIMOUSLY

Respectfully Submitted,
Rae G. Knippel
Recording Secretary