

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, September 16, 2009, at the DePere City Hall, 2nd Floor – 335 South Broadway, DePere, WI

Present: Allouez – Berndt, Bellevue - Oppenheimer, DePere-Delo, Howard-Bartelt,
Lawrence -Trembl, Ledgerview-Burdette

Also

Present: Dave Vaclavik – Public Management Partners
Gary Rosenbeck – McMahon Inc

The meeting was called to order by President Delo at 3:04 p.m.

Roll Call:

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

Approval of Agenda:

Approve Agenda

Motion made by Allouez and seconded by Howard to approve the agenda.

MOTION APPROVED UNANIMOUSLY

Approval of Minutes:

Approve Minutes: August 19, 2009

Motion made by DePere and seconded by Ledgerview to approve the minutes.

MOTION APPROVED UNANIMOUSLY

Appearances:

1. None

AGENDA:

Administrative Committee Recommendations:

Aaron Oppenheimer highlighted discussion from the committee meeting held this date:

- 1. Resolution Amending Water Purchase & Sales Agreement:**
Amendments have been prepared and are being reviewed.
- 2. Development of “Customer Class” Water Rates:**
Options regarding water service and rates for wholesale customers were discussed and a suggestion made to set parameters. Consensus was to discuss further with legal counsel.
- 3. CBCWA Purchasing Policy Amendments:**
Amendments are under development.

4. **CBCWA Budget Format Review:**

A new budget format is being considered.

5. **True-Up Charge Projections 2009:**

Because there has been approximately 10% less water consumption in 2009, an imbalance is anticipated in true-up charges. The manager was asked to clarify the readjustment practice and report back.

Items 1 through 5 will return on the October agenda of the Administrative Committee.

6. **Financial Reports:**

Motion made by Bellevue and seconded by Ledgeview to accept the recommendation of the Administrative Committee and approve financial reports.

MOTION APPROVED UNANIMOUSLY

7. **Pay Authorizations/Vouchers:**

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

MOTION APPROVED UNANIMOUSLY

Technical Committee Recommendations:

Dave Vaclavik highlighted discussion at the meeting held on September 16, 2009:

1. **McMahon to contract with Manitowoc County Highway Department for completion of outstanding warranty work for G,H, and I with a maximum fee of \$10,000 with all costs to be withheld from respective contract retainage:**

President Delo asked that there be a signed agreement with the Manitowoc County Highway Department for this work. Mr. Bartelt asked that the agreement also include future occurrences.

Motion made by DePere and seconded by Lawrence to accept the recommendation of the Technical Committee and authorize McMahon to contract with Manitowoc County Highway Department for completion of outstanding warranty work for Contracts G, H, & I, with a maximum fee of \$10,000, all costs to be withheld from respective contract retainage. MOTION APPROVED UNANIMOUSLY

PROJECT UPDATE AND STATUS REPORTS

1. **Engineer's Report:**

Mr. Rosenbeck distributed a written report, highlighting the following:
Contract A has two remaining issues for resolution by the contractor. Outstanding non-warranty issues are under negotiation with Brown and Manitowoc County Highway Departments.

Phase II Air Release Valve corrective work has been completed, with Phase II work in progress. Rosenbeck stated that the record drawings have been found to be suspect, as additional valves have been located which were not on the drawings.

A meeting was held with the DNR on 8/25/09 to discuss the chlorination system. Site inspections were done 9/15/09 and a report of findings will be given to the Technical Committee at their October meeting.

2. Manager's Report:

In addition to his written report, Vaclavik reported that Attorney Kobza has been involved with litigation with an upcoming deposition scheduled with SJ Lewis, and a mediation hearing scheduled on 10/7 with Judge Mies in Appleton.

An agreement with CDM is nearing completion and a special meeting will be scheduled in the near future for discussion of such.

A possible fiber optic agreement with MPU will be discussed at a future date.

President Delo noted that DePere has had water main breaks in their lines, asking if other communities have had such experience. Allouez indicated they have had as well. Vaclavik agreed to follow-up.

Old Business:

1. None

New Business:

1. 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 DePere and seconded by Bellevue to enter into closed session.

Roll Call: All Present. MOTION APPROVED UNANIMOUSLY

Motion made by Bellevue and seconded by Howard to return to regular order of business.

Roll Call: All Present. MOTION APPROVED UNANIMOUSLY

Recording Secretary excused 3:22 p.m.

1. **Authorization for Boardman Law Firm to retain Baker Tilly for audit services related to litigation: No Action**
2. **Recommendations resulting from closed session, if any: No Action**

Next Meeting:

1. **Suggested Agenda Items:**
2. **Meeting now scheduled for October 21, 2009:**

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Motion made by Bellevue and seconded by Howard to adjourn at 3:54 p.m.
MOTION APPROVED UNANIMOUSLY

Respectfully Submitted,

Rae G. Knippel
Recording Secretary