

## **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, December 16, 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, DePere-Walsh, Howard-Bartelt,  
Lawrence -TremI, Ledgeview-Burdette

**Also**

**Present:** Dave Vaclavik – Manager, CBCWA  
Gary Rosenbeck – McMahon Inc  
Scott Thoresen – Chairman, Technical Committee

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The meeting was called to order by Vice-President Oppenheimer at 3:07 p.m.

**Roll Call:**

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

**Approval of Agenda:**

Approve Agenda

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

**MOTION APPROVED UNANIMOUSLY**

**Approval of Minutes:**

Approve Minutes: November 11 and December 1, 2009:

**Motion made by DePere and seconded by Allouez to approve the minutes.**

**MOTION APPROVED UNANIMOUSLY**

**Joint Meeting of Charter Customers and CBCWA Board:**

1. **Discussion and consideration of Resolution amending Water Purchase and Sale Agreement:**

Mr. Vaclavik reported that amendments to the Water Purchase & Sale Agreement have been distributed to all members for their consideration and approval. As of this date, Bellevue and Ledgeview have approved the resolution, with other communities scheduled to approve during the next few weeks.

**Appearances:**

1. None Scheduled

**Administrative Committee Recommendations:**

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

1. **Resolution Amending Water Purchase & Sales Agreement:**  
See discussion above.

**Motion made by Bellevue and seconded by Ledgeview to approve the Resolution amending the Water Purchase & Sale Agreement. MOTION UNANIMOUSLY APPROVED**

2. **Contract Renewal with Manager:**
3. **Office Space:**

Mr. Vaclavik reported that he has met with President Delo to discuss the Manager's contract and no changes have been proposed. As a result of the dissolution of Public Management Partners, Mr. Vaclavik is in need of office space after the current lease expires on 3/31/2010. The Administrative Committee discussed the possibility of available space at the new Bellevue Village Hall and this option will be pursued.

**Motion made by Bellevue and seconded by Howard to accept the recommendation of the Administrative Committee and approve contract renewal with the Manager, with an alternative for office space by 3/31/2010. MOTION UNANIMOUSLY APPROVED**

4. **System Development Subcommittee:**

Mr. Vaclavik has discussed the creation of a sub-committee for the development of a marketing plan with Mr. Kothari at MPU, who has expressed interest in being involved. Possible changes to the present enabling legislation will be discussed with Attorney Kobza. It was suggested that Bay Lakes Regional Planning Commission make a presentation at the next Board meeting to determine what they may have to offer.

Mr. Vaclavik reported that he attended a Village Board meeting with Denmark. There is interest on their part in receiving water service and he is in the process of coordinating an initial meeting with them, MPU, and the CBCWA.

5. **2010 Meeting Schedule:**

The 3<sup>rd</sup> Wednesday of the month has been proposed to be maintained and a schedule was distributed.

6. **Financial Reports:**

Financial reports were reviewed and recommended for approval.

**Motion made by Bellevue and seconded by Ledgeview to accept the recommendations of the Administrative Committee and approve financial reports. MOTION APPROVED UNANIMOUSLY**

7. **Pay Authorizations/Vouchers:**

**Motion made by Bellevue and seconded by Howard to accept the recommendation of the Administrative Committee and approve payment of vouchers, except for that of Quarles & Brady which will be held for further information. MOTION APPROVED UNANIMOUSLY**

**Technical Committee Recommendations:**

Scott Thoresen highlighted discussion at the meeting held on December 14, 2009:

1. **Recommendation to fund drainage improvements to Nowack property at 11810 CTH R at a cost of \$3,225 subject to agreement with owner to assume responsibility for final restoration, allow property access, and assume ownership of completed system. Also, subject to confirmation that quote includes filter fabric around drain tile.**

Mr. Thoresen explained options and funding for drainage improvements at the Nowack property. The recommendation of the Technical Committee is to move forward and fund drainage improvements at a cost of \$3,225 subject to agreement with the owner to assume responsibility for final restoration and ownership of the completed system. It was also recommended that this action be subject to confirmation that the quote includes filter fabric around the drain tile and that Nowack waive any future claims to the CBCWA.

**Motion made by DePere and seconded by Allouez to accept the recommendation of the Technical Committee and approve funding for drainage improvements on the Nowack property at a cost of \$3,225. This action is subject to an agreement with the owner to assume responsibility for final restoration, that he allow property access, that he assume ownership of the completed system, that there be filter fabric around the drain tile, and that he waive any future claims. MOTION APPROVED UNANIMOUSLY**

2. **Special Meeting for CDM System Report Update:  
Tentatively set for January 13, 2010 at 1:00 p.m.**

#### **PROJECT UPDATE AND STATUS REPORTS**

1. **Engineer's Report:**

Gary Rosenbeck distributed a written report highlighting the following activities during the last reporting period:

Project Close Out:

- Outstanding warranty issues for Contract A have been addressed.
- Outstanding non-warranty issues are under negotiation with the Brown and Manitowoc County Highway Departments
- Negotiations for resolution of claims for Goodwin Road repairs and CTH R gravel shoulder repairs continue with the Manitowoc County Highway Department.

Projects in Progress:

- Phase III air release valve corrective work is complete, plus restoration and completion of as-builts.
- Chlorination System Evaluation Final Report was submitted to the Wisconsin DNR on 10/8/09. Comments were submitted on 11/18/09 and final recommendation will be implemented after DNR approval, presently under review.

2. **Manager's Report:**

Mr. Vaclavik highlighted activities during the last reporting period:

- MPU will be managing updates to the Pressure Reducing Station modifications for the Authority
- The audit agreement concluded with the completion of the 2008 audit report. The Board agreed to a 3-year extension at \$11,700 per year and a signed letter of engagement from Baker Tilly has been received, signed, and returned.
- The MPU audit was delayed as a result of litigation issues and will be rescheduled shortly.

- CDM Agreement – Attorney Kobza has reviewed and commented on the proposed agreement with CDM for the system study.
- Fitch Ratings – Mr. Vaclavik, Vicki Hellenbrand from Baker Tilly, and Mike Harrigan and Todd Taves from Ehlers held a phone conference with representatives from Fitch. The rating will go before committee the end of the month. Vaclavik stated he was told it is possible that the rating will be negatively impacted by rating reviews currently occurring at member communities. He expects further information from Fitch in early January.

**Old Business:**

1. None

**New Business:**

1. **Election of Officers for 2010:**

**Motion made by Oppenheimer and seconded by Bartelt to nominate LARRY DELO as PRESIDENT of the CBCWA for a two year term.  
MOTION UNANIMOUSLY APPROVED**

**Motion made by Bartelt and seconded by Kopish to nominate AARON OPPENHEIMER as VICE-PRESIDENT of the CBCWA for a two year term.  
MOTION UNANIMOUSLY APPROVED**

**Motion made by Delo and seconded by Burdette to nominate RANDY TREML as SECRETARY/TREASURER of the CBCWA for a two year term.  
MOTION APPROVED UNANIMOUSLY**

2. **Approval of 2010 Meeting Schedule:**

**Motion made by Lawrence and seconded by Ledgerview to approve the 2010 meeting schedule – 3<sup>rd</sup> Wednesday of the month. MOTION UNANIMOUSLY APPROVED**

**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. No Closed Session held**

1. **Recommendations resulting from closed session, if any: None**

**Next Meeting:**

1. **Suggested Agenda Items:  
Bay Lake Regional Planning to discuss system development, land use issues, and marketing.**
2. **Regular Meeting scheduled for January 20, 2010:  
3:00 p.m. - DePere City Hall**

**Motion made by Bellevue and seconded by Allouez to adjourn at 3:40 p.m.  
MOTION APPROVED UNANIMOUSLY**

Central Brown County Water Authority  
December 16, 2009

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Respectfully Submitted,  
Rae G. Knippel, Recording Secretary