

## **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 20, 2010, 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-Delo, Howard-Bartelt,  
Lawrence –Little

**Excused:** Ledgeview

**Also**

**Present:** Dave Vaclavik – Manager, CBCWA  
Gary Rosenbeck – McMahon Inc  
Scott Thoresen – Chairman, Technical Committee  
Mark Walter – Bay-Lake Regional Planning

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The meeting was called to order by President Delo at 3:09 p.m.

### **Roll Call:**

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

### **Approval of Agenda:**

Approve Agenda

Mr. Kopish requested that future agendas include an “announcement” section. He also asked that any handout information be received prior to the meeting date.

**Motion made by Bellevue and seconded by Allouez to approve the agenda.**

**MOTION APPROVED UNANIMOUSLY**

### **Approval of Minutes:**

Approve Minutes: December 16, 2009

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

**MOTION APPROVED UNANIMOUSLY**

### **Appearances:**

1. **Mark Walter – Executive Director, Bay-Lake Regional Planning Commission**  
Mr. Walter was present to highlight activities of the Bay-Lake Regional Planning Commission and possible services they may be able to provide in helping the Authority create a development and marketing plan.

Walter explained that Bay-Lake was created in 1972 under Wisconsin Statute as the official area-wide planning agency for NE Wisconsin. BLRPC has been in business over 35 years providing planning services in the areas of economic development, community assistance Geographic Information Systems (GIS), Natural Resources, and Transportation. They cover multiple jurisdictions throughout the State, including the counties of Brown, Door, Florence, Kewaunee, Manitowoc, Marinette, Oconto, and Sheboygan including 185 units of government,

17 cities, 40 villages, 119 towns, and the Oneida Nation of Wisconsin.

Their principles are to assist and advise local units of government, to provide technical information about the region for use by public and private agencies, to address and influence state, regional, and federal plans and programs to reflect the best interests of the Bay-Lake Region, and to encourage citizen participation in the planning process.

Walter stated that in 2009, Bay-Lake was one of two planning commissions in the country recognized as a "Regional Center of Excellence" by the National Association of Regional Councils in Washington D.C. for environmental corridor work.

Accomplishments include completion of regional master plans, county and community comprehensive plans, hazard mitigation plans, land use inventories, long-range transportation plans, have served as planning agency for four sewer service areas, completed zoning ordinances and municipal codes, prepared tax incremental finance (TIF) district plans, and have obtained grants and program funding for communities.

Walter was asked if Bay-Lake could conduct a market analysis development study based on grant receipts and possible impact development could have on member communities. Walter indicated that he could.

**New Business:**

1. **Marketing/Development Plan for CBCWA:**  
See Above – Mark Walter, Bay-Lake Regional Planning Commission

**Administrative Committee Recommendations:**

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

1. **Office Space Rental from Village of Bellevue:**  
Mr. Vaclavik has met with the Village of Bellevue to discuss office space rental. Bellevue does have space, along with access to meeting rooms, printers, faxes, etc. He will be developing a contract and cost estimate to bring before the Board for approval.
2. **Investment of Funds from Mature CD's:**  
Oppenheimer explained that because of low investment rates, the Manager has followed-up with Wells Fargo who presented a ladder option spanning up to 5 years that would improve returns. He recommends, and the Administrative Committee concurs, that the CBCWA invest \$3 million initially in a ladder investment account with no investments extending beyond five years.

**Motion made by Bellevue and seconded by DePere to accept the recommendation of the Administrative Committee and approve a proposed ladder investment account with Wells Fargo Investment Group. MOTION APPROVED UNANIMOUSLY**

3. **Creation of Operating Fund Investment Account:**  
At this time operating funds are held in a sweep account that returns a marginal rate of interest. It has been suggested that by putting most of the money in an investment account and transferring funds to the sweep in conjunction with the billing cycle, there should be an increase seen.

**Motion made by Bellevue and seconded by Allouez to accept the recommendation of the Administrative Committee and approve the transfer of funds from the sweep account to an investment account to increase rate of interest. MOTION APPROVED UNANIMOUSLY**

4. **Preliminary True-Up Charge Calculations for 2009:**

Information was distributed for review.

5. **Financial Reports:**

Financial reports were reviewed and found to be in order.

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

**MOTION APPROVED UNANIMOUSLY**

6. **Pay Authorizations/Vouchers:**

Pay authorization/vouchers were reviewed and recommended for payment.

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

**MOTION APPROVED UNANIMOUSLY**

**Technical Committee Recommendations:**

Scott Thoresen highlighted discussion at the meeting held on January 18, 2010:

1. **Authorize Manitowoc County Highway Commission to make repairs to Goodwin Road at a cost of \$28,500 in exchange for an agreement waiving any future warranty claims at the repair locations:**

Scott Thoresen reported that after discussion by the Technical Committee they have recommended authorizing Manitowoc County Highway Commission to make repairs to Goodwin Road at a cost of \$72,414 in exchange for an agreement waiving any future warranty claims at the repair locations.

**Motion made by Lawrence and seconded by Howard to accept the recommendation of the Technical Committee and approve authorization to Manitowoc County Highway Commission to make repairs to Goodwin Road at a cost of \$27,414 in exchange for an agreement waiving any future warranty claims at the repair locations.**

**MOTION APPROVED UNANIMOUSLY**

**PROJECT UPDATE AND STATUS REPORTS**

1. **Engineer's Report:**

Gary Rosenbeck highlighted activities from his written report of this date.

Project Close-Out

- Outstanding non-warranty issues are under negotiation with the Brown and Manitowoc County Highway Departments.
- Nowack Driveway drainage issues have been resolved by agreement.
- Negotiations are underway to resolve claims of the Manitowoc County Highway Department for Goodwin Road repairs and CTH "R" gravel shoulder repairs.

Status of Projects in Progress

- As-builts for the Phase III Air Release Valve corrective work are being completed

- Chlorination System Evaluation Final Report was submitted to the DNR on 10/8/09. DNR review comments submitted on 11/18/09 with final recommendations to be implemented after DNR approval to be discussed at the 1/22/10 special Technical Committee meeting.

2. **Manager's Report:**

Manager Vaclavik distributed his written report of activities during the last reporting period, highlighting the following:

CDM will be presenting interim findings to the Technical Committee at a special meeting on January 22<sup>nd</sup>. McMahon has been asked to prepare a supplemental proposal and prepare a specific report on potential system interconnects between members.

Other items highlighted included pressure reducing station modifications and MPU fiber optic. Meetings continue with the Boardman Law Firm regarding the CDM agreement, McMahon agreement, SJ Louis settlement, etc. A litigation update will be given in the closed session to follow.

Vaclavik reported he and Nilaksh Kothari of MPU have met with Gordon Ellis in Denmark. Their engineer, Strand, will be preparing a cost benefit analysis for them evaluating continuation of their well system compared to purchasing water through MPU and the Authority. A preliminary evaluation is expected in February.

The Fitch Bond Rating has been maintained as AA. Mike Harrigan of Ehlers is preparing a memo that will detail the conversation he had with Fitch. Primary reasons for being able to maintain this rating include the strong ratings of our members and our solid cash position.

Certified copies of local resolutions concerning the amendment to the Water Purchase Agreement are needed, if not already provided.

In addition, Vaclavik will be meeting with Vicki Hellenbrand to schedule an audit. The MPU audit was delayed as a result of litigation issues.

**Old 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 closed session at 3:50 p.m.**

**Roll Call: Present: Allouez, Bellevue, Howard, Lawrence      Excused: Ledgeview**

**MOTION APPROVED UNANIMOUSLY**

*Recording Secretary excused 3:50 p.m.*

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

**Roll Call: Present: Allouez, Bellevue, Howard, Lawrence      Excused: Ledgeview**

**MOTION APPROVED UNANIMOUSLY**

1. **Recommendations resulting from closed session, if any:**

**Motion made by De Pere and seconded by Bellevue to approve negotiated settlement with S.J. Louis Construction and authorize payment of \$129,972 in exchange for a 10 year warranty and a \$1,000,000 surety bond covering specified repairs during the life of the warranty. MOTION APPROVED UNANIMOUSLY**

**Next Meeting:**

1. **Suggested Agenda Items: Administrative Committee integration with Board.**
2. **Regular Meeting scheduled for February 17, 2010, 3:00 p.m. - DePere City Hall**

**Motion made by De Pere and seconded by Bellevue to adjourn at 4:16 p.m.  
MOTION APPROVED UNANIMOUSLY**

Respectfully Submitted,

Rae G. Knippel,