

Minutes of an Annexation Hearing and the Regular Meeting of the Commissioners of the Madison Metropolitan Sewerage District held at the District office, 1610 Moorland Road, Madison, Wisconsin, 53713 on the 10th day of December, 2007 at 8:00 a.m.

1. The meeting was called to order by President Schten.

2. Meeting Attendees:

Commissioners: Berthouex, Hendrick, Hovel, Schten and Terrell.

MMSD Staff: Jon Schellpfeffer, Chief Engineer and Director; Mike Simon, Assistant Chief Engineer and Director of Planning; Gerry Sachs, Staff Engineer; Shirley Fox, Office Manager/Controller and Griffin Dorschel, Attorney.

Visitors: Kamran Mesbah, Capital Area Regional Planning Commission, Richard Bloomquist of Badger Utility, Inc., Patrick Vander Sanden and Greg Brown of the Village of DeForest.

3. After discussion, it was moved by Commissioner Terrell and seconded by Commissioner Hovel that the Commission meeting minutes of November 30, 2007 be approved as written.

The motion was carried.

Ayes: Commissioners Berthouex, Hovel, Schten and Terrell.

Nays: None.

Commissioner Hendrick arrived.

4. Commissioner Schten convened a public hearing to take testimony on the proposed annexation of lands in the Town of Burke to the Madison Metropolitan Sewerage District. Attorney Dorschel conducted the public hearing.

5. Commissioner Schten closed the public hearing.

6. The Commission and staff discussed the proposed annexation and the desire of the property owner to connect to the public sewerage system as soon as possible. It was then moved by Commissioner Schten and seconded by Commissioner Hovel that the following resolution be adopted:

Whereas the owner of the lands that were the subject of an annexation hearing held before the commissioners of the Madison Metropolitan Sewerage District on this date, December 10, 2007, was provided incorrect information concerning the status of these lands relative to the availability of sewer service, and

Whereas the owner, acting in good faith, constructed at his expense, a new building on these lands that requires sewer service before it may be occupied,

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Now therefore, to expedite the provision of sewer service to these lands, the commission approves the annexation of these lands to the Madison Metropolitan Sewerage District subject to the District receipt of written documentation from the Wisconsin Department of Natural Resources that indicates that the *Dane County Water Quality Plan* has been amended to add the subject lands to the Central Urban Service Area.

Further, the commission directs the attorney for the Madison Metropolitan Sewerage District to draft an order of annexation that reflects this action and incorporates other provisions of the annexation as appropriate.

The motion was carried.

Ayes: Commissioners Berthouex, Hendrick, Hovel, Schten and Terrell.

Nays: None.

7. Progress reports were presented on the following projects:
 - a. Tenth Addition Construction. The hot water piping changes have been completed and are working well. Work continues on implementing changes to the screenings handling equipment in the headworks facility and the modifications to the anaerobic digestion process.
 - b. Master Plan. The consultants are continuing to review past reports and data as part of assessing the current condition of all District facilities. The consultants have held a meeting with the Department of Natural Resources to discuss future regulatory issues and have prepared a public information mailing and questionnaire that will be distributed after the first of the year.
 - c. Lower Badger Mill Creek Interceptor Phase 2. The construction documents for this project have been finished, and all easements, except one, have been procured. The project is expected to be bid next February with construction beginning in July.
 - d. West Interceptor Extension Replacement. This project is substantially complete. Only pavement marking work remains and will be completed next spring.
 - e. Pumping Stations 13 and 14 Firm Capacity Improvements. The pumps for this project are on order and are expected to be delivered in February. Electrical work will begin in January and the project is expected to be completed in the spring of next year.
 - f. Design of the Gaston Road Extension of the Door Creek Interceptor. The design of this project is underway and is expected to be completed in February of 2008. The project will be bid next spring with construction expected to start in May.
8. The Cash Statement of the General Account as of December 10, 2007 was reviewed and placed on file. The statement shows an available cash balance through General Account Check No. 92481 in the amount of \$377,772.35; subsequent receipts totaling

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\$4,600,418.83; less disbursements of \$4,928,538.63 with a resulting cash balance of \$9,652.55.

After discussion, it was moved by Commissioner Hendrick and seconded by Commissioner Hovel that the General Account disbursements in the amount of \$4,928,538.63 be approved.

The motion was carried.

Ayes: Commissioners Berthouex, Hendrick, Hovel, Schten and Terrell.
Nays: None.

9. The Cash Statement of the Construction Account as of December 10, 2007 was reviewed and placed on file. The statement shows an available cash balance through Construction Account Check No. 9128 in the amount of \$7,365.54; subsequent receipts totaling \$1,123,503.34; less disbursements of \$1,126,164.79; with a resulting cash balance of \$4,704.09.

After discussion, it was moved by Commissioner Hovel and seconded by Commissioner Hendrick that the Construction Account disbursements in the amount of \$1,126,164.79 be approved.

The motion was carried.

Ayes: Commissioners Berthouex, Hendrick, Hovel, Schten and Terrell.
Nays: None.

10. The Chief Engineer and Director reported on completion of work for Contract NS10-B, Mechanical Construction for the Tenth Addition project. After discussion, it was moved by Commissioner Berthouex and seconded by Commissioner Terrell that the following resolution be adopted:

WHEREAS, the Chief Engineer and Director of the Madison Metropolitan Sewerage District has certified that all work included under the Contract NS10-B: Mechanical Construction between J.F. Ahern Co. and the Madison Metropolitan Sewerage District, dated June 23, 2003, has been completed and that acceptable evidence has been submitted showing the satisfaction of all claims/liens and MBE/WBE requirements, and showing compliance with the prevailing wage rate requirements of Section 66.293 of the Wisconsin Statutes,

THEREFORE, BE IT RESOLVED, that said work be accepted, the District reserving to itself all rights under said contract, including guarantees against defects in workmanship, materials, construction or installation, and guarantees against failure to perform successfully within the limits of the specifications, and that final payment be authorized and made to J.F. Ahern Co., in the amount of \$28,125.00, which is the final balance due on the total final contract amount of \$14,311,087.27.

The motion was carried.

Ayes: Commissioners Berthouex, Hendrick, Hovel, Schten and Terrell.

Nays: None.

11. The Chief Engineer and Director presented proposed fees for 2008 for wastewater processing wastewater acceptance applications. After discussion, it was moved by Commissioner Terrell and seconded by Commissioner Hendrick that the application fees be adopted as presented.

The motion was carried.

Ayes: Commissioners Berthouex, Hendrick, Hovel, Schten and Terrell.

Nays: None.

12. The following sewer extension plan was reviewed and placed on file:

- a. St. Paul/Dixon Street Reconstruction, City Madison.

After discussion, it was moved by Commissioner Hendrick and seconded by Commissioner Terrell that the following resolution be adopted:

WHEREAS, plans for sanitary sewer extensions were submitted to the Madison Metropolitan Sewerage District (MMSD) for St. Paul-Dixon Street Reconstruction, City of Madison on December 5, 2007, by John Reimer, City Engineering Division, and

WHEREAS, the project consists of replacing the existing sanitary sewer in St. Paul Ave. and Dixon Street in conjunction with the Dixon Greenway Storm Sewer Relief project, and

WHEREAS, the proposed extensions will connect to the City of Madison's sewerage facilities and MMSD's East Interceptor, and

WHEREAS, no new areas are being served, and no additional flows are anticipated, and

WHEREAS, connection charges for the areas being served have been paid, and

WHEREAS, the MMSD has received a sewer extension review letter #6-07-53 from Dane County Community Analysis and Planning Division (CAPD) dated December 6, 2007 stating the CAPD staff has reviewed the proposed extension and determined that it is consistent with the urban service area provisions of the Dane County Water Quality Plan and the Dane County Land Use and Transportation Plan, and

WHEREAS, the Chief Engineer and Director of the MMSD recommended the approval of said plans,

THEREFORE, BE IT RESOLVED, that the plans for sanitary sewer extensions for St. Paul-Dixon Street Reconstruction, City of Madison, submitted on December 5, 2007, by John Reimer, City Engineering Division, be approved subject to the following conditions:

1. That the City of Madison shall require the presence of an engineer or an inspector on the construction of said sewer extensions who shall make a record showing in detail the construction as built and shall furnish the MMSD with as-built plans in the case of any significant deviations from the original design.
2. That the construction, operation, maintenance and use of said sewer extensions shall be in accordance with the lawful rules and regulations of the MMSD and with the applicable State of Wisconsin plumbing and sewerage codes.
3. That if construction of the sewer extensions covered by said plans has not commenced within four years following the approval date of this resolution, this approval shall become void and new plans shall be submitted. If construction has commenced but has not been completed within the four-year approval period, the unbuilt portion must be submitted for reapproval if it is a significant portion of the project and would require DNR approval.

The motion was carried.

Ayes: Commissioners Berthouex, Hendrick, Hovel, Schten and Terrell.

Nays: None.

13. The Commissioners scheduled a future Commission meeting for Monday, February 11, 2008 at 8:00 a.m.
14. The following oral reports were presented by staff:
 - a. Josh LeMoine has been hired as a new laboratory analyst and Brad Walker has been promoted to the position of Buildings and Grounds Supervisor.
 - b. Commissioner Schten indicated he would be attending the winter NACWA meeting.
15. It was moved by Commissioner Terrell and seconded by Commissioner Berthouex that the Commissioners convene in closed session in accordance with 19.85(1)(c) of the Wisconsin Statutes to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercise responsibility.

The motion was carried.

Ayes: Commissioners Berthouex, Hendrick, Hovel, Schten and Terrell.

Nays: None.

16. It was moved by Commissioner Berthouex and seconded by Commissioner Hendrick that the Commissioners reconvene in open session

The motion was carried.

Ayes: Commissioners Berthouex, Hendrick, Hovel, Schten and Terrell.

Nays: None.

17. It was moved by Commissioner Hendrick and seconded by Commissioner Berthouex that the 2008 pay plan for non-represented employees be adopted as amended during the closed session.

The motion was carried.

Ayes: Commissioners Berthouex, Hendrick, Hovel, Schten and Terrell.

Nays: None.

18. Commissioner Terrell requested that the staff contact the Capital Area Regional Planning Commission to determine how the District could provide input into the proposed policies of the new RPC.

19. It was moved by Commissioner Berthouex and seconded by Commissioner Hendrick that the meeting be adjourned.

The motion was carried.

Ayes: Commissioners Berthouex, Hendrick, Hovel, Schten and Terrell.

Nays: None.

Regular Meeting of the Commissioners

December 10, 2007

P.M. Berthouex, Secretary

Thursday, January 17, 2008 at 8:00 a.m., regular Commission meeting.

Monday, February 11, 2008 at 8:00 a.m., regular Commission meeting.