

Minutes of 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 29th day of March, 2010 at 8:00 a.m.

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

2. Meeting Attendees:

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

MMSD Staff: Jon Schellpfeffer, Chief Engineer and Director; Mike Simon, Assistant Chief Engineer and Director of Planning; Jeff Brochtrup, Director of Administration; Dave Taylor, Director of Special Projects; Gerry Sachs, Staff Engineer; Shirley Fox, Office Manager/Controller; Stephanie Calkins, Staff Accountant and Griffin Dorschel, Attorney.

Visitors: Rene Messing and Sherry Springer of Clifton Gunderson.

3. It was moved by Commissioner Hovel and seconded by Commissioner Terrell that the Commission meeting minutes of March 15, 2010 be approved as written.

The motion was carried.

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

4. Rene Messing presented a summary of the 2009 Financial Report and Audit. There were no significant issues brought to the Commissioners attention in conjunction with the audit nor any recommendations for changes in accounting methods.

5. The Chief Engineer and Director presented information to the Commissioners on a proposed communications strategy associated with the proposed phosphorus rules contained in NR 102 and NR 217. These rules will not be effective in improving water quality unless the provisions for agricultural performance standards, included in proposed NR 151 also adopted. The Commissioners were supportive of the District's expanded efforts to communicate this information to the media, elected officials and the District's customers.

7. The following sewer extension plans were reviewed and placed on file:

- a. Windsor Prairie Road Sewer Extension, Town of Vienna Utility District No. 2.
- b. Edward Street Relief Sewer, City of Verona.
- c. Cottage Grove Road Sewer Extension, City of Madison.
- d. Linden Park Phase 9, City of Madison.

After discussion, it was moved by Commissioner Hovel and seconded by Commissioner Schten that the following resolutions be adopted:

**a) Windsor Prairie Road Sewer Extension, Town of Vienna Utility District No. 2.**

WHEREAS, plans for sanitary sewer extensions were submitted to the Madison Metropolitan Sewerage District (MMSD) for Windsor Prairie Road Sewer Extension, Town of Vienna Utility District No. 2 on March 15, 2010, by Tim Astfalk, Mead and Hunt , on behalf of the Town of Vienna Utility District No. 2, and

WHEREAS, the sewer extensions will connect to the Town of Vienna Utility District No. 2's sewerage facilities and MMSD's Northeast Interceptor/ Waunakee-Deforest Extension, and

WHEREAS, the lands to be served are Lots 2-3 CSM 12540, and

WHEREAS, the interceptor connection charges for these lots were paid in 1991 by Plan No. 90-16, and

WHEREAS, the treatment plant charges for the lands to be served have not been paid, and

WHEREAS, a 75-foot wetland buffer along the backside of these lots is in the environmental corridor and is recognized and mapped in the Water Quality plan as permanent open space, and

WHEREAS, plan review fees are due, and

WHEREAS, the MMSD has received a sewer extension review letter #L3-10-1 from the Capital Area Regional Planning Commission (CARPC) dated March 26, 2010 stating the CARPC 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 Windsor Prairie Road Sewer Extension, Town of Vienna Utility District No. 2, submitted on March 15, 2010, by Tim Astfalk, Mead and Hunt on behalf of the Town of Vienna Utility District No. 2, be approved subject to the following conditions:

1. That Town of Vienna Utility District No. 2 shall pay the plan review fee of \$1,070.00 to the MMSD within 30 days of receiving an invoice for the fee.
2. That prior to connection of said sanitary sewer extensions to sewers within the MMSD's system, the Town of Vienna Utility District No. 2 shall have paid to the MMSD the sum of \$2,041.88 for payment of treatment plant connection charges

for the lands to be served, said lands being Lots 2-3 CSM 12540. Said lands are located in the SE1/4, Section 36, T9N, R9E west of the Interstate.

3. That interceptor and treatment plant connection charge rates are adjusted at the beginning of each calendar year and said connection charges will be due based on the rate for the year in which the payment is made.
4. That, if said treatment plant connection charges for the lands to be served remain unpaid after connection of the said sewer extensions to sewers within MMSD's system, appropriate interest on the unpaid balance shall be charged to the Town of Vienna Utility District No. 2 by the MMSD.
5. That the Town of Vienna Utility District No. 2 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.
6. 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.
7. 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.

**b) Edward Street Relief Sewer, City of Verona.**

WHEREAS, plans for a sanitary relief sewer were submitted to the Madison Metropolitan Sewerage District (MMSD) for Edward Street Relief Sewer in the City of Verona on March 18, 2010, by Robert Gundlach, AECOM for the City of Verona, and

WHEREAS, the City of Verona is proposing to reconstruct approximately 1,400 feet of Edward Street. As part of the road reconstruction project, the City proposes to construct a relief sanitary sewer between two manholes on Edwards Street. The relief sewer would be 8-inch in diameter and 130 feet long. The existing sanitary sewer has the capacity to serve the eight (8) residents it is now serving, but because of the grade are experiencing backups during the cleaning of the sewers. The relief sewer would allow sewage to flow westerly during sewer cleaning operations instead of backing up into the laterals, and

WHEREAS, the proposed extensions will connect to the City of Verona's sewerage facilities and MMSD's Nine Springs Valley Interceptor/Pump Station 17 Service Area.

WHEREAS, no new areas are being served. Connection charges for the lands being served have been paid, and

WHEREAS, the MMSD has received a sewer extension review letter #23-10-1 from the Capital Area Regional Planning Commission (CARPC) dated March 8, 2010 stating the CARPC 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 Edward Street Relief Sewer, City of Verona, submitted on March 18, 2010, by Robert Gundlach, AECOM on behalf of the City of Verona, be approved subject to the following conditions:

1. That the City of Verona shall require the presence of an engineer or an inspector on the construction of said relief sewer 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 relief sewer 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 relief sewer 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.

**c) Cottage Grove Road Sewer Extension, City of Madison.**

WHEREAS, plans for sanitary sewer extensions were submitted to the Madison Metropolitan Sewerage District (MMSD) for Cottage Grove Road Extension 2009, City of Madison on March 22, 2010, by Corey Stelljes, City Engineering Division, and

WHEREAS, the land to be served was recently added into the City of Madison from the Town of Blooming Grove, and

WHEREAS, the sewers are being extended to provide service to the newly annexed lot, and

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

WHEREAS, the land to be served is Parcel 0710-114-8120-7 located at 6221 Cottage Grove Road, formerly known as 3497 CTH BB in the City of Madison, and

WHEREAS, interceptor and treatment plant connection charges are due, and

WHEREAS, plan review fees are due, and

WHEREAS, the MMSD has received a sewer extension review letter #6-08-19 from the Capital Area Regional Planning Commission (CARPC) dated March 26, 2010 stating the CARPC 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 Cottage Grove Road Extension 2009 Sanitary Sewer Extension, City of Madison, submitted on March 22, 2010, by Corey Stelljes, City Engineering Division, be approved subject to the following conditions:

1. That City of Madison shall pay the plan review fee of \$1,070.00 to the MMSD within 30 days of receiving an invoice for the fee.
2. That prior to connection of said sanitary sewer extensions to sewers within the MMSD's system, the City of Madison shall have paid to the MMSD the sum of \$496.92 for payment of \$287.72 in Northeast Interceptor connection charges and \$209.20 in treatment plant connection charges for the land to be served, said land being Parcel 0710-114-8120-7. Said land is located in the SE1/4, Section 11, T7N, R10E.
3. That interceptor and treatment plant connection charge rates are adjusted at the beginning of each calendar year and said connection charges will be due based on the rate for the year in which the payment is made.
4. That, if said interceptor and treatment plant connection charges for the land to be served remain unpaid after connection of the said sewer extensions to sewers within MMSD's system, appropriate interest on the unpaid balance shall be charged to the City of Madison by the MMSD.
5. 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.
6. 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.

7. 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.

**d) Linden Park Phase 9, City of Madison.**

WHEREAS, plans for sanitary sewer extensions were submitted to the Madison Metropolitan Sewerage District (MMSD) for Linden Park Phase 9, City of Madison on March 22, 2010, by Corey Stelljes, City Engineering Division, and

WHEREAS, the sewer extensions will connect to the City of Madison's sewerage facilities and MMSD's Nine Springs Valley Interceptor/Midtown Extension, and

WHEREAS, the lands proposed to be served by Phase 9 are 49-50, 60-61, 68-76, 79-84, 104 and Outlots 5-6, and

WHEREAS, service to Lot 85 was not included for approval in the service area for Phase 3. It is therefore included in Phase 9, this set of plans, and

WHEREAS, Lots 76-78, approved as part of Phase 1, have been replatted and overlapped by the Phase 9 service area. Credit is given for lands previously paid, including Lot 104, and

WHEREAS, Outlots 5-6 are permanent open space, owned by the Homeowners' Associates, however, the lands are not in the environmental corridor, and are not recognized nor mapped in the Water Quality Plan as permanent open space not to receive sewer service. Connection charges are therefore due, and

WHEREAS, interceptor and treatment plant connection charges are due for the lands to be served, and

WHEREAS, plan review fees are due, and

WHEREAS, the MMSD has received a sewer extension review letter #6-10-3 from the Capital Area Regional Planning Commission (CARPC) dated March 26, 2010 stating the CARPC 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 Linden Park Phase 9 Sanitary Sewer Extension, City of Madison, submitted on March 22, 2010, by Corey Stelljes, City Engineering Division, be approved subject to the following conditions:

1. That City of Madison shall pay the plan review fee of \$1,070.00 to the MMSD within 30 days of receiving an invoice for the fee.
2. That prior to connection of said sanitary sewer extensions to sewers within the MMSD's system, the City of Madison shall have paid to the MMSD the sum of \$10,190.34 for payment of \$7,789.56 in Nine Springs Valley Interceptor/Midtown Extension connection charges and \$2,400.78 in treatment plant connection charges for the lands to be served, said lands being Lots 49-50, 60-61, 68-85, 104, Outlots 5-6 of the Linden Park Plat. Said lands are located in the NW1/4, Section 34, T7N, R8E, south of Valley View Road on the city's far west side.
3. That interceptor and treatment plant connection charge rates are adjusted at the beginning of each calendar year and said connection charges will be due based on the rate for the year in which the payment is made.
4. That, if said interceptor and treatment plant connection charges for the lands to be served remain unpaid after connection of the said sewer extensions to sewers within MMSD's system, appropriate interest on the unpaid balance shall be charged to the City of Madison by the MMSD.
5. 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.
6. 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.
7. 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 Hendrick, Hovel, Meyer, Schten and Terrell.

Nays: None

8. The Commissioners scheduled two future Commission meetings; Thursday, April 29<sup>th</sup> at 8:00 am. and Monday, May 10<sup>th</sup> at 8:00 a.m.
9. The following oral reports were presented by staff:
  - a. The Special Orders for moving fiber optic cable systems that conflict with a new District interceptor sewer at Sycamore Avenue have not been served; however, both of the fiber optic cable companies are working to move their facilities at this time. One of the two has completed the installation of a new conduit, and the other is working to satisfy City of Madison permitting requirements to begin their work.
  - b. The court has established a scheduling conference for the litigation associated with the Pump Station 6 forcemain repair. The parties continue to exchange information and file various documents with the court.
10. The Commissioners discussed the next steps in search for a replacement for the retiring Chief Engineer and Director. A second proposal for services in this regard will be reviewed at the April 29<sup>th</sup> Commission meeting.
11. It was moved by Commissioner Terrell and seconded by Commissioner Meyer that the meeting be adjourned.

The motion was carried.

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

Nays: None.

Regular Meeting of the Commissioners

March 29, 2010

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Caryl E. Terrell, Secretary

**Future Meetings:**

Monday, April 12, 2010 at 8:00 a.m., regular Commission Meeting.

Thursday, April 29, 2010 at 8:00 a.m., regular Commission Meeting

Monday, May 10, 2010 at 8:00 a.m., regular Commission Meeting.