

Minutes 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 15th day of October, 2007 at 8:00 a.m.

1. The meeting was called to order by Commissioner Hovel.
2. Meeting Attendees:

Commissioners: Berthouex, Hendrick, Hovel and Terrell.

MMSD Staff: Mike Simon, Assistant Chief Engineer and Director of Planning; Dave Taylor, Director of Special Projects; Ralph Erickson, Pretreatment and Waste Acceptance Coordinator; Shirley Fox, Office Manager/Controller; Gerry Sachs, Staff Engineer and Griffin Dorschel, Attorney.

Visitors: None.

3. After discussion, it was moved by Commissioner Terrell and seconded by Commissioner Hendrick that the Commission meeting minutes of September 24, 2007 be approved as written.

The motion was carried.

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

4. Progress reports were presented on the following projects:

- a. Tenth Addition Construction. Work is continuing on hot water system piping replacement and the related hot water loop will be back to the Operations Building this week. The hot water pipe replacement will continue to the west and the remainder of the piping will be replaced within the next several weeks.

The NS10D project is underway with numerous shop drawing reviews occurring. The odor control work, which had been expedited for early completion, will begin within the next week. One of the sludge pumps that the District purchased directly will be installed by the end of October to help improve sludge pumping from the east side of the plant to the west side. The remainder of these additional improvements will take place during the winter. The gas treatment system (NS10E) will be discussed later this meeting.

- b. West Interceptor Extension Replacement. The contractor has installed over 2400 feet of pipe with roughly 800 feet yet to install. They briefly pulled off the project site, but will be back this week to complete the remainder of the project with two crews.

- c. Master Plan. The Master Planning effort started off with a kick-off meeting for the project on September 19, which included the project consultants and the District's project team. Two subsequent workshops were held, one with a cross section of the District's workforce and the second with the Technical Advisory Committee.
5. The Cash Statement of the General Account as of October 15, 2007 was reviewed and placed on file. The statement shows an available cash balance through General Account Check No. 92025 in the amount of \$5,316.06; subsequent receipts totaling \$1,763,804.37; less disbursements of \$1,760,369.10 with a resulting cash balance of \$8,751.33.

After discussion, it was moved by Commissioner Terrell and seconded by Commissioner Hendrick that the General Account disbursements in the amount of \$1,760,369.10 be approved.

The motion was carried.

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

6. The Cash Statement of the Construction Account as of October 15, 2007 was reviewed and placed on file. The statement shows an available cash balance through Construction Account Check No. 9107 in the amount of \$39,500.39; subsequent receipts totaling \$1,636,664.61 less disbursements of \$1,671,826.31; with a resulting cash balance of \$4,338.69.

After discussion, it was moved by Commissioner Berthouex and seconded by Commissioner Terrell that the Construction Account disbursements in the amount of \$1,671,826.31 be approved.

The motion was carried.

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

7. The Pretreatment and Waste Acceptance Coordinator, Ralph Erickson, presented the proposed third quarter service charges. After discussion, it was moved by Commissioner Hendrick and seconded by Commissioner Berthouex that the third quarter sewer service charges be approved as presented with payment of the bills due by November 15, 2007.

The motion was carried.

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

8. Due to missing information, which the staff is still awaiting from the contractor, the action on final acceptance of Tenth Addition Contract NS10-C: Electrical was deferred.
9. The Assistant Chief Engineer and Director presented proposed resolution accepting the work and making final payment to Michels Corporation for the Southwest Interceptor North and South Legs Liner 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 for the Southwest Interceptor North & South Legs Liner between Michels Corporation and the Madison Metropolitan Sewerage District, dated December 18, 2006, has been completed and that acceptable evidence has been submitted showing the satisfaction of all claims/liens and showing compliance with the prevailing wage rate requirements of Section 66.293 of the Wisconsin Statutes, and

WHEREAS, the contract includes a provision that the sum of \$5,000.00 be withheld by the Madison Metropolitan Sewerage District as a maintenance retainer for a period of one year following acceptance of the work,

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 Michels Corporation, in the amount of \$46,915.73, which amount provides for the withholding of a \$5,000.00 maintenance retainer from the final contract amount of \$418,812.38.

The motion was carried.

Ayes: Commissioners Berthouex, Hendrick, Hovel and Terrell.

Nays: None.

10. The Assistant Chief Engineer and Director presented a proposed resolution for the review and approval of modifications to the digester gas treatment system procurement. After discussion, it was moved by Commissioner Terrell and seconded by Commissioner Hendrick that the following resolution be adopted:

WHEREAS, the Madison Metropolitan Sewerage District (MMSD) has determined that Applied Filter Technologies, Inc. (ATF) is the only manufacturer capable of providing a digester gas treatment system that would meet MMSD's needs, and

WHEREAS, AFT submitted a proposal to provide such a digester gas treatment system on September 5, 2007, and

WHEREAS, the MMSD commissioners accepted the September 5, 2007 AFT proposal at their meeting on September 10, 2007, and

WHEREAS, ATF is unable to secure a payment bond and a performance bond to cover their proposed work, and

WHEREAS, Town and Country Electric, a firm originally proposed to act as the electrical subcontractor for the project, has now submitted an identical proposal for the AFT digester gas treatment system, and

WHEREAS, ATF supports this contracting arrangement and will guarantee the system's performance as stated in their September 5, 2007 proposal, and

WHEREAS, MMSD's legal counsel has reviewed this matter and finds that it is a reasonable and legal change to the procurement of this system, and

WHEREAS, the Chief Engineer and Director has recommended acceptance of the Town and Country Electric proposal, and

THEREFORE, BE IT RESOLVED, that the Madison Metropolitan Sewerage district hereby accepts the proposal of Town and Country Electric, Inc. for providing a complete digester gas treatment system manufactured by AFT at a price of \$1,778,804.

The motion was carried.

Ayes: Commissioners Berthouex, Hendrick, Hovel and Terrell.

Nays: None.

11. The Assistant Chief Engineer and Director informed the Commission of modifications to the 2008 proposed Capital Projects Budget. The first modification reflected an additional \$1.5 million of available borrowing related to the Tenth Addition Clean Water Fund Loan. Initially, these funds were thought to be unavailable for the ongoing project modifications. The second modification reflected an accelerated construction schedule for the Far East Interceptor – Gaston Road Extension. Originally scheduled for 2009, this construction work may now occur as early as the latter half of 2008.

These changes have been included in the published budget advertisement and all District customers have been notified thereof.

12. The Assistant Chief Engineer and Director and the District's counsel presented a proposed CWD Indemnification Agreement from the Wisconsin Department of Natural Resources (WDNR) related to the continued treatment of leachate from the Dane County Landfill if the county agrees to accept deer carcasses from the CWD Eradication Zone for disposal. Indemnification was one of the three proposed conditions identified in the District's September 12, 2007 to the WDNR regarding continued acceptance of landfill leachate. After discussion, it was moved by Commissioner Berthouex and seconded by

Commissioner Terrell that the District notify the WDNR that this draft agreement meets the conditions set forth in the District's September 12, 2007 letter.

The motion carried.

Ayes: Commissioners Berthouex, Hovel, and Terrell.

Nays: Commissioner Hendrick.

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

- a. Hawks Ridge, City of Madison.
- b. Windsor Corners, Town of Windsor Sanitary District 1.

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

**a) Windsor Corners, Town of Windsor Sanitary District 1.**

WHEREAS, plans for sanitary sewer extensions were submitted to the Madison Metropolitan Sewerage District (MMSD) for Windsor Corners, Town of Windsor SD 1 on October 5, 2007, by Nathan Lockwood, D'Onofrio, Kottke & Associates, and

WHEREAS, the proposed plans will serve Lots 1-23 and Outlots 1-2, and

WHEREAS, Outlot 1 is dedicated to the public for storm water management and detention, is in the environmental corridor, and is recognized and mapped in the Water Quality Plan as permanent open space. Connection charges are therefore deferred, and

WHEREAS, Outlot 2 is dedicated to the public as park lands, does not have sewer service, is in the environmental corridor, and is recognized and mapped in the Water Quality Plan as permanent open space. Connection charges are therefore deferred, and

WHEREAS, the interceptor connection charges for the lands to be served were paid as part of Rosenberry Property in 1989, sewer plan 88-056E, and

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

WHEREAS, the proposed sanitary sewer extensions will connect to the Town of Windsor SD 1's sewerage facilities and, and MMSD's Northeast Interceptor/Waunakee-DeForest Extension, and

WHEREAS, plan review fees are due, and

WHEREAS, the MMSD has received a sewer extension review letter #175-07-3 from Dane County Community Analysis and Planning Division (CAPD) dated October 12,

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 Windsor Corners, Town of Windsor SD 1, submitted on October 5, 2007, by Nathan Lockwood, D'Onofrio, Kottke & Associates, be approved subject to the following conditions:

1. That the treatment plant connection charges for Outlots 1-2 are deferred.
2. That Town of Windsor SD 1 shall pay the plan review fee of \$1,350.00 to the MMSD within 30 days of receiving an invoice for the fee.
3. That prior to connection of said sanitary sewer extensions to sewers within the MMSD's system, the Town of Windsor SD 1 shall have paid to the MMSD the sum of \$6,047.01 for payment of treatment plant connection charges for Lots 1-23. Said lands are located in the SE1/4, Section 30, T9N, R10E, west of CTH CV and south of Windsor Road in the Town of Windsor SD 1.
4. That 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.
5. 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 Windsor SD 1 by the MMSD.
6. That the Town of Windsor SD 1 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.
7. 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.
8. 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 and Terrell.

Nays: None.

It was then moved by Commissioner Hendrick and seconded by Commissioner Berthouex that the following resolution be adopted:

**b) Hawks Ridge, City of Madison.**

WHEREAS, plans for sanitary sewer extensions were submitted to the Madison Metropolitan Sewerage District (MMSD) for Hawks Ridge, City of Madison on October 9, 2007, by Corey Stelljes, City Engineering Division, and

WHEREAS, the proposed plans will serve Lots 1-5 and Outlot 1, and

WHEREAS, Outlot 1 is dedicated to the public for storm water management and detention, is in the environmental corridor, and is recognized and mapped in the Water Quality Plan as permanent open space. Connection charges are therefore deferred, and

WHEREAS, the proposed sanitary sewer extensions will connect to the City of Madison's sewerage facilities and, and MMSD's Nine Springs Valley Interceptor/Lower Badger Mill Creek Extension, and

WHEREAS, plan review fees are due, and

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

WHEREAS, the MMSD has received a sewer extension review letter #6-07-51 from Dane County Community Analysis and Planning Division (CAPD) dated October 12, 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 Hawks Ridge, City of Madison, submitted on October 9, 2007, by Corey Stelljes, City Engineering Division, be approved subject to the following conditions:

1. That charges for Outlot 1 are deferred.

2. That City of Madison shall pay the plan review fee of \$1,350.00 to the MMSD within 30 days of receiving an invoice for the fee.
3. 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 \$34,227.65 for payment of \$30,701.55 in Nine Springs Valley Interceptor/Lower Badger Mill Creek Extension connection charges and \$3,526.10 in treatment plant connection charges for Lots 1-5. Said lands are located in the NE1/4, Section 4, T6N, R8E, south of Midtown Road in the City of Madison.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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 and Hovel.

Nays: Commissioner Terrell

14. The Commissioners scheduled a future Commissioner Meeting for Friday, November 30, 2007 at 8:00 a.m.
15. The following oral reports were presented by staff:

- a. The Director of Special Projects reported on the test results that confirmed the District's biosolids meet Class A standards. To maintain a Class A status, similar testing will be required every two months.
  - b. The Director of Special Projects reported that the initial Dane County Med-Drop program that occurred this past Saturday was a success. The program allows area residents to drop off unused medication, which are disposed of through incineration. Similar Med-Drop events are being planned for next spring and next fall.
16. It was moved by Commissioner Terrell and seconded by Commissioner Berthouex that the meeting be adjourned.

The motion was carried.

Ayes: Commissioners Berthouex, Hendrick, Hovel and Terrell.

Nays: None.

Regular Meeting of the Commissioners

October 15, 2007

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P.M. Berthouex, Secretary

**Monday, October 29, 2007 at 8:00 a.m.**, regular Commission meeting and Budget Hearing.

**Monday, November 12, 2007 at 8:00 a.m.**, regular Commission meeting.

**Friday, November 30, 2007 at 8:00 a.m.**, regular Commission meeting.