

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 September, 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; Dave Taylor, Director of Special Projects; Stephanie Calkins, Staff Accountant; Curt Sauser, Engineering Technician; Shirley Fox, Office Manager/Controller; and Griffin Dorschel, Attorney.

Visitors: Topf Wells and Dave Merritt from Dane County and Krista Sommerfeldt of MSA Professional Services.

3. It was moved by Commissioner Terrell and seconded by Commissioner Meyer that the Commission meeting minutes of September 13, 2010 be approved as written.

The motion was carried.

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

Nays: None.

4. The Director of Special Projects updated the Commissioners on the status of the Pollutant Trading Issues Workgroup. The Chief Engineer and Director indicated that the County had approached the District concerning their involvement in this workgroup and had asked if the workgroup could be led jointly by Dane County and the District. Topf Wells and Dave Merritt addressed the Commissioners concerning the County's rationale for making this a jointly led effort. After discussion, the Commissioners concurred with the request that the District's Pollutant Trading Workgroup would be changed to a workgroup led jointly by the District and Dane County.

5. The Commissioners and staff reviewed the operations data for August.

6. The Chief Engineer and Director presented the 2011 proposed operating and capital projects budgets for discussion. After discussion, it was moved by Commissioner Terrell and seconded by Commissioner Hovel that the 2011 proposed District budget be advertised, and that the hearing on the budgets be scheduled as part of the Commission meeting on Wednesday, October 27, 2010 at 8:00 a.m.

The motion was carried.

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

Nays: None.

7. The Chief Engineer and Director indicated that the defendants in the law suit for recovery of damages to the Pump Station 6 forecmain are scheduled for a court mediation session on October 12th. A settlement offer may be made at that time. After discussion, it was moved by Commissioner Schten and seconded by Commissioner Hendrick that the Chief Engineer and Director be authorized to act on the settlement offer as part of the mediation process.

The motion was carried.

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

Nayes: None.

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

- a. Savannah Brooks II, Village of DeForest.

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

WHEREAS, plans for sanitary sewer extensions were submitted to the Madison Metropolitan Sewerage District (MMSD) for Savannah Brooks II, Village of Deforest on August 10, 2010, by Krista Sommerfeldt, MSA Professional Services, Inc., and

WHEREAS, the lands to be immediately served are Lots 1-3 of an unrecorded CSM, these lands are currently platted as part of Lot 118 of Savannah Brooks, and

WHEREAS, the sewers for this area were originally approved by MMSD on September 11, 2006 under plan number 2006-077 for the Savannah Brooks plat, and

WHEREAS, plan review fees are due, and

WHEREAS, the proposed extensions will connect to the Village of Deforest's facilities and MMSD's Northeast Interceptor/Highway 19 Extension, 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 #6-10-35 from Capital Area Regional Planning Commission (CARPC) dated 9/28/2010 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 Savannah Brooks II, Village of Deforest, submitted on August 10, 2010, by Krista Sommerfeldt, MSA Professional Services, Inc., be approved subject to the following conditions:

1. That the Village of Deforest shall pay the plan review fee of \$1,070 to the MMSD within 30 days of receiving an invoice for the fee.
2. That all lands within the plat of Savannah Brooks II, shall apply to the MMSD for a sewer extension approval prior to connecting to public sewers.
3. That the plans submitted to MMSD as plan number 2006-077, and approved by the district's commissioners on September 11, 2006 for Savannah Brooks are hereby void.
4. That prior to connection of said sanitary sewer extensions to sewers within the MMSD's system, the Village of Deforest shall have paid to the MMSD the sum of \$56,672.30 for payment of \$46,555.41 in Northeast Interceptor/Highway 19 Extension connection charges and \$10,116.89 in treatment plant connection charges for the lands to be served, said lands being Lots 1-3 of an unrecorded CSM, currently platted as part of Lot 118 of Savannah Brooks. Said lands are located in the NW1/4 of Section 4, T8N, R10E, at the southeast quadrant of the intersection of USH 51 and STH 19 in the Village of Deforest.
5. 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.
6. 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 Village of Deforest by the MMSD.
7. That the Village of Deforest 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.
8. 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.
9. 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.

9. The Commissioners rescheduled a Commission meeting from October 25th at 8:00 a.m. to October 27th at 8:00 a.m. This meeting will include a hearing on the 2011 proposed District Budget. The Commissioners also scheduled a Commission meeting for Monday, November 15, 2010 at 8:00 a.m.
10. The Director of Special Projects reported on the NACWA Nutrient Summit held in Chicago last week. The purpose of this meeting was for the organization to develop a regulatory approach for dealing with nutrient issues on a national scale.
11. It was moved by Commissioner Hendrick and seconded by Commissioner Hovel that the Commission convene in closed session accordance with 19.85(1)(c) and (e) 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 Hendrick, Hovel, Meyer, Schten and Terrell.

Nays: None.

12. It was moved by Commissioner Hovel and seconded by Commissioner Hendrick that the Commission reconvene in open session.

The motion was carried.

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

Nays: None.

13. The Commissioners scheduled a closed working session to prepare for interviews with candidates for the position of Chief Engineer and Director on Thursday, October 7th at 2:00 p.m. in the District offices. The Commissioners also scheduled a closed session to interview candidates for the position of Chief Engineer and Director on Friday, November 12, 2010; exact time and location to be determined.
14. There being no further business, Commissioner Schten adjourned the meeting.

Regular Meeting of the Commissioners
September 29, 2010

Caryl E. Terrell, Secretary

Future Meetings:

Thursday, October 7th at 2:00 p.m., Closed Working Session.

Monday, October 11, 2010 at 8:00 a.m., regular Commission Meeting.

Wednesday, October 27, 2010 at 8:00 a.m., regular Commission Meeting and Budget Hearing.

Friday, November 12, 2010; exact time to be determined, Closed Session.

Monday, November 15, 2010 at 8:00 a.m., regular Commission Meeting.