

Meeting of the Commissioners of the Madison Metropolitan Sewerage District

Thursday, Nov. 15, 2018 8:00 a.m.

MMSD Maintenance Facility Training Room, 1610 Moorland Road, Madison, WI 53713

Present:

- Commissioner Tom Hovel
- Commissioner Angela James
- Commissioner Ken Clark
- Commissioner Sara Eskrich - Excused Absence
- Commissioner James Martin
- Commissioner Ezra Meyer
- Commissioner Brad Murphy
- Commissioner Mary Swanson
- Commissioner Tom Wilson

Commission Meeting

1. Opening

- A. Call to Order 8:01 a.m.
- B. Welcome Guests: Forbes McIntosh, Dane County Cities and Villages Association and Greg Fries, City of Madison.
- C. Announcements: Introduction of new relief operator Adam Schoenbeck.

2. Appearances by the Public: None.

3. Consent Calendar

- A. Approval Meeting Minutes from 10-25-2018
- B. Approval of Operating Fund Cash Statement
- C. Approval of Capital Projects Fund Cash Statement
- D. Approval of Debt Service Fund Cash Statement
- E. Transition of Custodial Work from Contract Services to FTE (2018-11-15-R1)
- F. Lower Badger Mill Creek Interceptor Phase 4: Acceptance of Work (2018-11-15-R2)
- G. Approval of Expedited Boundary Annexation 2018-12 Verona Area School District (City of Verona) (2018-11-15-R3)

Discussion: The 10-25-2018 minutes; operating cash fund, capital projects fund, debt service fund, transition of custodial services to FTE, Lower Badger Mill Creek Interceptor Phase 4 and order of annexation for Verona Area School District 2018-12 were reviewed and placed on file.

The operating cash fund account shows an available balance through operating fund check no. 120188 in the amount of \$68,641.32; subsequent receipts totaling \$10,513,376.72; less disbursements of \$9,839,915.66 with resulting cash balance of \$742,102.38. The capital projects fund cash statement shows an available balance through capital projects fund account check no. 10335 in the amount of \$161,153.27; with adjustments of \$708.82 resulting in a net available cash balance of \$161,862.09;

subsequent receipts totaling \$1,957,679.25; less disbursements \$2,091,406.04 with a resulting cash balance of \$28,135.30. The debt service fund shows a beginning investment balance in the amount of \$8,373,766.52; subsequent additions totaling \$14,628,390.50; less disbursements totaling \$1,596,212.01; with a resulting ending investment balance of \$21,405,945.01.

Action: Commissioner Wilson moved, seconded by Commissioner James to approve items A-G of the consent calendar which includes resolution 2018-11-15-R1 through 2018-11-15-R3.

Motion carried 8-0.

4. **Southwest Interceptor - Haywood Drive Replacement: Project Update**

Presenter: Jen Hurlebaus, Civil Project Engineer

Description: Project update.

Discussion: Ms. Hurlebaus updated the commission on the current status of the Southwest Interceptor – Haywood Drive Replacement project in preparation for bidding and awarding a construction contract for the project.

Action: No action at this time.

5. **Inclusion and Diversity Scorecard**

Presenter: Jennifer Peters, Human Resources Manager

Description: Commission update and guidance seeking.

Discussion: Ms. Peters presented an update related to inclusion and diversity efforts at the district. Commission members were encouraged to give feedback, guidance and ask questions related to the topic, and Ms. Peters requested general commission support to proceed with the scorecard as proposed.

Action: No formal action at this time; however, the commission supported the proposed scorecard.

6. **Policy Regarding Past Unpaid Treatment Plant Connection Charges**

Presenter: Bill Walker, Director of Planning and Strategy

Description: The commission was asked to adopt resolution (2018-11-15-R4) regarding the collection of unpaid treatment plant charges from areas that connected to the district before Jan. 1, 2018.

Discussion: Mr. Walker gave an informational presentation related to unpaid treatment plant connection charges and requested the commission approve resolution 2018-11-15-R4 which adopts a policy on not collecting treatment plant connection charges from areas that connected to the district before Jan. 1, 2018 and that failed to pay treatment plant charges at connection as required.

Action: After discussion Commissioner Wilson moved, seconded by Commissioner James to approve resolution 2018-11-15-R4.

Motion carried 7-0-1. (Commissioner Martin abstained from the vote.)

7. **WPDES Overview of the Permit and Reissuance Process**

Presenter: Martin Griffin, Director of Ecosystem Services

Description: Mr. Griffin gave an overview of the WPDES permit and reissuance process.

Discussion: Mr. Griffin presented an overview of the permit and changes that differ from the previous permit that was issued in 2010.

Action: No action.

Commissioner Meyer excused himself at 9:17 a.m.

8. Chief Engineer and Director's Report

A. CED Update

Chief Engineer and Director Michael Mucha gave a brief update on a number of district happenings. He informed the commission of the Rock County resolution on UV disinfection that recently passed. He also informed the commission of a missed publishing of a class two notice for the Pumping Station 10 Force Main Rehabilitation project. Mr. Mucha spoke in depth about measures staff members have taken to rectify the error and how the error will be prevented in the future. Mr. Mucha finished by giving a brief update on Metrogro hauling, dike repairs, the Yahara WINS annual report and the status of end-of-year expenditures.

Action: No action necessary.

B. Regulatory and Legal Review

Mr. Kent gave a brief update on current regulatory happenings.

Action: No action necessary.

C. Review of commission calendar.

Action: No action necessary.

7. Future Agenda Topics

Action: Mr. Mucha will be presenting information related to the after action review report for this summer's flood event at the 11-29-18 meeting.

8. Other Business by Law

Action: No other business was discussed, no action necessary.

9. Adjournment

Action: Commission Wilson moved, seconded by Commission Clark to adjourn the meeting

Motion carried 7-0.

Meeting adjourned at 9:33 a.m.

Regular Meeting of the Commissioners

Thursday, Nov. 15, 2018

Angela James, Secretary

Future Meetings:

Thursday, Nov. 29, 2018 8 a.m. – regular commission meeting

Thursday, Dec. 13, 2018 8 a.m. – regular commission meeting

Thursday, Jan. 17, 2018 8 a.m. – regular commission meeting

MMSD ANNEXATION NO. 2018-12

ANNEXING LANDS IN THE CITY OF VERONA TO
MADISON METROPOLITAN SEWERAGE DISTRICT


Notice Dated: NOVEMBER 15, 2018

The Commission of the Madison Metropolitan Sewerage District, Following Consideration of Documentation and Recommendations from District Staff, Which Are Incorporated By Reference, Does Hereby Ordain as Follows:

1. The Commission has no objection to addition of the Subject Land to the territory of the District, all as set forth herein.
2. The Subject Land, as described in Exhibit 1, is hereby annexed to the District, subject to each and all of the following conditions:
 - a. The Petitioner shall participate in the cost of the existing conveyance facilities and treatment plant necessary to serve the annexed lands in accordance with District Policies, and
 - b. The Petitioner shall be and is subject to the District's Sewer Use Ordinance and shall comply therewith; and
 - c. The Petitioner shall pay such sewer service charges as may, from time to time, be made by the District; and
 - d. The Petitioner shall pay such ad valorem taxes as the District may, from time to time, assess and levy against the land annexed.

Approved by the Commission of the Madison Metropolitan Sewerage District at a duly noticed meeting held on the 15 day of November, 2018.

MADISON METROPOLITAN SEWERAGE DISTRICT COMMISSION


Thomas D. Hovel, Commission President

Attest by

D. Michael Mucha, Chief Engineer & Director

Incorporated by Reference:
Exhibits reviewed by District staff



RESOLUTION 2018-11-15-R1
TRANSITION OF CUSTODIAL WORK FROM CONTRACTED SERVICE TO FTE

WHEREAS, Madison Metropolitan Sewerage District has contracted a portion of its custodial services from 2016 through 2018, and

WHEREAS, the current custodial services cleaning contract is ending on Dec. 31, 2018 and a new three year contract was bid in September 2018, and

WHEREAS, an increase in the yearly cost of the custodial services contract along with an adjustment in the wage of an FTE custodian prompted staff members to analyze the cost and benefits of returning custodial service work to a full-time employee, and

WHEREAS, the analysis showed that the district would save \$2,300 per year with an FTE, and

WHEREAS, an FTE will result in a higher level of service than the district is currently receiving from the contracted provider due to direct oversight of the staff member, and

WHEREAS, there will be more staff flexibility because lower skilled duties that have been absorbed by higher skilled staff can be transitioned to the new FTE, and

WHEREAS, the district will be providing a living wage with benefits as well as opportunities for training and career advancement for a member of the community,

THEREFORE, BE IT RESOLVED, that the commission authorizes district staff to proceed with the transition of custodial work from contracted service to an FTE.


The above resolution was adopted by the commissioners of the Madison Metropolitan Sewerage District at their meeting held at the district on Nov. 15, 2018.

MADISON METROPOLITAN SEWERAGE DISTRICT



Thomas Hovel, President

Attested by:



Angela James, Secretary

**RESOLUTION 2018-11-15-R2
ACCEPTANCE OF WORK: LOWER BADGER MILL CREEK INTERCEPTOR PHASE FOUR**

WHEREAS, previous Madison Metropolitan Sewerage District (the “district”) collection system facilities plans identified the need for a regional gravity interceptor to serve lands in the Lower Badger Mill Creek watershed, and

WHEREAS, the regional gravity interceptor will serve lands in the Town of Middleton, Town of Verona, City of Madison and the City of Verona, and

WHEREAS, the regional gravity interceptor has been built in phases as needs and opportunities arise, and

WHEREAS, three phases have been built to date extending from district Pumping Station 17 to Hubble Road, and

WHEREAS, the Lower Badger Mill Creek Interceptor Phase Four project was located between Hubble Road and County Highway PD, and

WHEREAS, the Lower Badger Mill Creek interceptor Phase Four project included installation of 3,870 lineal feet of 30-inch diameter gravity sewer, 9 manholes and other appurtenances, and

WHEREAS, the district entered into a contract dated July 13, 2017, with S.J. Louis Construction, Inc., for construction of the Lower Badger Mill Creek Interceptor Phase Four, and

WHEREAS, the chief engineer and director of the Madison Metropolitan Sewerage District certifies that all work included for the Lower Badger Mill Creek Interceptor Phase Four has been completed in accordance with the contract documents, and

WHEREAS, S.J. Louis Construction, Inc., has submitted acceptable evidence showing satisfactions of all claims/liens, and

WHEREAS, acceptable evidence showing compliance with state prevailing wage requirements was not required, and

WHEREAS, acceptable evidence showing compliance with Davis-Bacon federal prevailing wage rate requirements, American Iron & Steel requirements, disadvantaged business enterprise requirements, and other WDNR Clean Water Fund loan requirements was not required, and

WHEREAS, the original contract amount was \$911,656 and the final contract amount, including all change orders, is \$907,128.50, and

WHEREAS, the contract includes a provision that the sum of \$20,000 be withheld by the district as a retainer for a period of one year following substantial completion.

NOW, THEREFORE, BE IT RESOLVED by the Madison Metropolitan Sewerage District Commission, and following consideration of the above recitals which are incorporated by reference, as follows:

1. That said work be accepted, with 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.
2. That final payment be authorized and made to S.J. Louis Construction, Inc., in the amount of \$24,779.30, which amount provides for the withholding of a \$20,000 retainer from the final contract amount of \$907,128.50.

The above resolution was adopted by the Commissioners of the Madison Metropolitan Sewerage District at their meeting held in the district office on Nov. 15, 2018.

MADISON METROPOLITAN SEWERAGE DISTRICT



Thomas Hovel, President

Attested by:



Angela James, Secretary



**RESOLUTION 2018-11-15-R3
EXPEDITED BOUNDARY ANNEXATION 2018-12 VERONA AREA SCHOOL DISTRICT**

WHEREAS, an annexation request referred to as the Verona Area School District lands was submitted to the Madison Metropolitan Sewerage District (“the district”), by Theran Jacobson of the City of Verona, on Nov. 1, 2018, and

WHEREAS, the City of Verona is requesting that part or all of six parcels, having parcel identification numbers 286-0608-212-9920-2, 286-0608-214-8740-2, 286-0608-214-8780-2, 286-0608-214-9004-2, 286-0608-214-8041-2 and 286-0608-214-9545-2, be annexed to the district, which would expand the district sanitary sewer service area boundary by 106.4 acres, and

WHEREAS, the City of Verona attached the subject lands from the Town of Verona through four separate ordinances: ORD 05-691 adopted on May 9, 2005; ORD 05-698 adopted on Aug. 8, 2005; ORD 16-872 adopted on June 13, 2006; and ORD 17-905 adopted on Dec. 18, 2017, and

WHEREAS, the subject annexation request is consistent with section §200.15(1)(a)(3) of the Wisconsin Statutes, and

WHEREAS, the proposed annexation parcel is adjacent to territory presently served by the district, and

WHEREAS, the district has sufficient design capacity to serve the lands proposed for annexation, and

WHEREAS, the lands in the proposed annexation are part of the Verona Urban Service Area. The Dane County Community Analysis and Planning Division prepared a staff analysis of the proposed amendment area (Area SW) on May 8, 2005. The Wisconsin Department of Natural Resources subsequently approved the proposed amendment to the “Dane County Water Quality Plan” on Aug. 29, 2005, suspended approval on Sept. 20, 2005, and removed the suspension on Nov. 2, 2005. The Capital Area Regional Planning Commission adopted Resolution CARPC No. 2009-5 on March 12, 2009, amending the “Dane County Land Use and Transportation Plan” by revising the urban service area boundaries and environmental corridors to reflect changes made from Oct. 2004 through June 2007 as approved by the Wisconsin Department of Natural Resources, and

WHEREAS, the subject annexation will promote sewerage management policies and operations; will promote public health and welfare; will effect efficiency and economy in sewerage management based upon currently accepted engineering standards regarding prevention and abatement of environmental pollution, and federal and state rules and policies in furtherance thereof; and will be consistent with adopted plans of municipal, regional and state agencies, and

WHEREAS, the chief engineer and director of the district has recommended the approval of said annexation request,

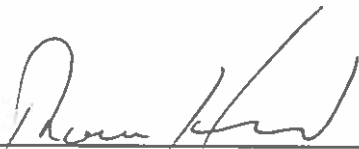
NOW, THEREFORE, and following consideration of the above recitals which are incorporated by reference, it is hereby resolved by the Madison Metropolitan Sewerage District Commission as follows:

1. The request for annexation for the Verona Area School District lands, made by Theran Jacobson of the City of Verona, submitted on Nov. 1, 2018, is approved.
2. The commission president and district chief engineer and director shall execute the order for district annexation No. 2018-12.
3. The City of Verona shall pay the expedited annexation fee of \$1,300 to the district within 30 days of receiving an invoice for the fee.

The above resolution was adopted by the Commissioners of the Madison Metropolitan Sewerage District at their meeting held at the district on Nov. 15, 2018.

MADISON METROPOLITAN SEWERAGE DISTRICT

Attested by:



Thomas Hovel, President



Angela James, Secretary





**RESOLUTION 2018-11-15-R4
COLLECTION OF UNPAID TREATMENT PLANT CONNECTION CHARGES**

WHEREAS, the Madison Metropolitan Sewerage District (“the district”) sewer use ordinance authorizes conveyance facility connection charges (CFCC) and treatment plant connection charges (TPCC) for areas that connect to the district, and

WHEREAS, the district has collected TPCC from areas that connect to the district since the early 1990s and continues to do so, and

WHEREAS, connection charges are due prior to construction of the public sanitary sewer, and

WHEREAS, certain areas of the district may have connected to the district but not paid TPCC when owed, but the district has not conducted an audit to identify such areas, and

WHEREAS, conducting such an audit and creating a list of areas known to have past unpaid TPCC treatment plant connection charges would be difficult and prohibitively expensive, and

WHEREAS, the district had audited CFCC charges and developed a list of areas with unpaid CFCC, in consultation with affected customer communities, and

WHEREAS, of the areas identified only five had connected within the past ten years, and

WHEREAS, on Dec. 14, 2017, the Madison Metropolitan Sewerage District Commission adopted resolution 2017-12-14-R10 that directed the district to collect CFCC from the five areas that had connected between 2008 to 2018, but otherwise provided that “[t]he following parcels shall be deemed paid with respect to the conveyance facility connection charge: (a) parcels on the unpaid areas collection list as of Jan. 1, 2018 that have paid pursuant to the provisions of this resolution; and, (b) parcels not on the unpaid areas collection list that connected to the district before Jan. 1, 2018 and that are not current open accounts.”, and

WHEREAS, in adoption of resolution 2017-12-14-R10, the commission considered the issues set forth in that resolution and reviewed in open session at commission meetings, as well as input from district staff and legal counsel, and

WHEREAS, district connection charges regulations s. 5.7 authorizes collection of an “adjustment connection charge” in the event of changes in capacity use by an area, which is unaffected by considerations of unpaid past charges,

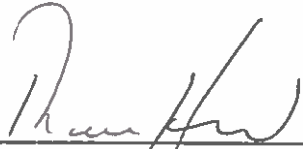
THEREFORE, BE IT RESOLVED, that

1. The commission reaffirms that the policy of the Madison Metropolitan Sewerage District is to collect treatment plant facility connection charges from areas that connect to the district so that connected areas pay an equitable share of the cost of the Nine Springs Wastewater Treatment Plant.
2. The commission reaffirms that any parcel that connects to the district after Dec. 31, 2017 shall pay the connection charge rate in effect at the time of payment and shall be subject to additional administrative fees and late fees as specified in district connection charges regulations.
3. The following parcels shall be deemed paid with respect to the treatment plant connection charge: areas that connected to the district before Jan. 1, 2018 and that are not current open accounts. Current open accounts (that is, those for which an invoice was issued prior to Jan. 1, 2018 and that remain pending) shall carry forward and are not affected by this resolution.
4. Nothing in this resolution precludes the district from collecting adjustment connection charges as already authorized by existing district connection charges regulations s. 5.7.

The above resolution was adopted by the Commissioners of the Madison Metropolitan Sewerage District at their meeting held in the district office on Nov. 15, 2018.

MADISON METROPOLITAN SEWERAGE DISTRICT

Attested by:



Thomas Hovel, President



Angela James, Secretary