

# NEENAH-MENASHA SEWERAGE COMMISSION

## Public Hearing & Regular Meeting

Tuesday September 22, 2009

Meeting was called to order by Commission President W. Zelinski at 8:00 a.m.

**Present:** Commissioners R. Zielinski, D. Youngquist, W. Helein, K. Bauer, G. Falck, W. Zelinski; Manager Much, Accountant Voigt, Attorney Gunz.

**Excused:** Commissioner T. Hamblin.

**Also Present:** Paul Much, Rob Franck (MCO); Mike Sambs (Waverly); Chad Olsen (McMahon); Attorney John Thiel.

President W. Zelinski opened the Public Hearing to receive comments on the proposed 2010 NMSC Budget.

Manager Much discussed the Replacement Fund and the need to consider the replacement of the SCADA computer control system. The system is now 24-years old and we cannot buy new computer boards to replace the boards that break down. We are currently able to get these boards repaired as they break down. The total cost for design and replacement of the current SCADA system is looking to cost \$825,000. The design portion should get under way to get us ready for the time when the system should be replaced. The design portion is estimated to cost \$165,000. Further discussion ensued; after discussion, motion made by Commissioner D. Youngquist, seconded by Commissioner K. Bauer to increase the proposed 2010 Replacement Fund 20% over the 2009 Budget amount to \$288,000. Motion carried.

Hearing no further questions or comments on the proposed 2010 NMSC Budget, moved by Commissioner R. Zielinski, seconded by Commissioner W. Helein to adjourn the Public Hearing and reconvene into Regular Open Session. Motion carried unanimously. Public Hearing adjourned at 8:12 am.

Motion made by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to approve the minutes of the Regular Meeting of August 25, 2009. Motion carried unanimously.

### Correspondence

There was no correspondence to be discussed:

### Budget, Finance, Personnel

Accountant Voigt presented the preliminary financial statements for the month of August 2009. After discussion, motion made by Commission D. Youngquist, seconded by Commissioner R. Zielinski to accept the financial statements for the month of August and place it on file. Motion carried unanimously.

Attorney Gunz addressed the Commission and introduced Attorney John Thiel. Attorney Thiel briefed the Commission on his legal background and 23 years of experience. Attorney Thiel started in Missouri and came to Wisconsin in 1988. He worked in the municipal section with Mulcahy & Wherry; then with Godfrey & Kahn; and then opened his own office. His billing rate to the Commission will be \$200 per hour; which is a discounted rate from his normal billing rate. Attorney Thiel sees no conflict of interest in any of the NMSC current business. Motion by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to request a written fee agreement from Attorney John Thiel. After discussion, Commissioner D. Youngquist withdrew his second, Commissioner R. Zielinski with his motion. After further discussion, motion by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to bring Attorney John Thiel on board as the Commission Attorney subject to an approved fee agreement. Motion carried unanimously.

Manager Much presented and discussed the proposed 2010 NMSC Budget. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to approve the proposed 2010 NMSC Budget with the additional increase in the Replacement Fund as approved in the Public Hearing. Motion carried unanimously on a roll call vote.

Accountant Voigt presented MCO Invoices #13863, #13912, and #13913 in the amounts of \$118,252.31, \$56.24, and \$835.83. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to approve for payment MCO Invoices #13863, #13912, and #13913 and to pay the invoices after October 1. Motion carried unanimously.

Accountant Voigt presented the Accountants Report for the month of August. The money market rates have continued to decrease. MCO generated \$3,049 in income to the Commission in August. A copy of the customer summary statement of the funds placed into the CDARS program was provided. The certificate of deposit that is maturing will probably be deposited into the money market account. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to accept the Accountants Report for the month of August 2009. Motion carried unanimously.

Accountant Voigt presented for payment McMAHON invoice #47666 in the amount of \$1,241.20. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to approve for payment invoice #47666. Motion carried unanimously.

### **Operations, Engineering, Planning**

Manager Much presented and discussed the operating report for the month of August 2009. The plant is running well; painting has been performed in the chlorine contact tank. After discussion, motion by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to accept the operating report for the month of August 2009. Motion carried unanimously.

Manager Much reported to the Commission on the 230kW Biogas engine. The unit will be tested today to check it over prior to contacting the technician in Germany.

**Old Business**

Interceptor ownership. Manager Much reported that he has no new information to report at this time.

Biosolids Management. Chad Olsen reported he contacted the city regarding any concerns with locating a building on the county landfill site; no response has yet been received from this request. A site survey is scheduled to be completed today or tomorrow at the landfill site. Chad Olsen distributed maps of various options for locating a storage building. If the park site were used, approximately 105 homes would be located within 1,000 feet of the building. The Potratz building used for the City of Oshkosh has no homes within 1,000 feet of the building; it would need additional buildings erected to serve both the NMSC and Oshkosh. If the NMSC is interested in purchasing this building, it may not be available for purchase until the contract between Oshkosh and Gizmo is completed. It was requested that Attorney Gunz should obtain a copy of the Oshkosh hauling contract. Gizmo Farms indicated they would be willing to extend the NMSC contract until 2015. Chad also reported they met with a farmer in the Reedsville area and discussed with him our sludge hauling and storage needs. This option would be similar to our current setup with Gizmo Farms. Chad also reported a letter was sent to Veolia requesting feedback on availability of land in the Oshkosh area for spreading. One of the next items we need to do is to contact the City of Oshkosh and the Winnebago County Landfill and to also contact Gizmo Farms regarding the purchase of land next to the Oshkosh storage building. Commissioner K. Bauer questioned is we should contact the Winnebago County Planning & Zoning or East Central Regional Planning Commission if there are any issues with the areas we are looking at. It was reported the advantage of working with the City of Oshkosh is the economy of scale by working together on a storage building project.

HVAC System Update. The HVAC update for the lab is being worked on.

Motion made by Commissioner D. Youngquist, seconded by Commissioner R. Zielinski to convene into closed session under Section 19.85(1)(g) and 19.85(1)(e) of the Wisconsin Statutes to confer with legal counsel concerning strategy to be adopted by the NMSC with respect to their joint defense with the Cities of Neenah and Menasha in connection with potential liability arising from the Lower Fox River/Green Bay Natural Resource Damage Assessment, Lower Fox River and Green Bay remediation issues, and related potential litigation and to discuss strategies for negotiations with representatives of the United States of America and the State of Wisconsin on compromise settlement of potential CERCLA liability, indemnification, contribution protection and municipal entities infrastructure concerns with respect to the Lower Fox River/Green Bay. Meeting entered into closed session at 9:05 am.

Motion made by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to adjourn the closed session and return in regular open session. Motion carried unanimously. The Commission returned to Regular open session at 9:18 am.

**Vouchers**

Motion made by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to approve operating and payroll fund vouchers #131170 through #131221 in the amount of \$443,456.86 for the month of August. Motion carried unanimously.

Motion made by Commissioner R. Zielinski, seconded by Commissioner D. Youngquist to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 9:20 a.m.

  
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President

  
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Secretary

**THE NEXT REGULAR MEETING IS ON TUESDAY October 27<sup>th</sup> 2009.**