- PROPOSED MINUTES -

WAVERLY SANITARY DISTRICT

October 13, 2009

District Office - N8722 County Rd. LP

The meeting was called to order at 8:30 a.m. by Commissioner Helein.

Present: Commissioner Helein (WCH)
Commissioner Fulcer (LJF)
Commissioner Sambs (MLS)
Engineer Martenson (SCM)
Resident Jerry Lopas

System Operator Krueger (RWK)
System Operator VanZeeland (TGV)
System Operator Dornfeld (DWD)
Office Mgr. Girdley (CMG)
Admin. Asst. Hallock (SAH)

Approval/acceptance of the 9/15/09 Meeting Minutes was accomplished with LJF's motion and MLS' second. Motion carried 3-0.

Receipt acknowledgement and approval of the September 2009 Financial and Budget Comparison Reports was accomplished with LJF's motion and MLS' second. Motion carried 3-0.

Invoices were approved for payment and checks were signed prior to the meeting.

COMMUNITIES/CUSTOMERS/SERVICE CONCERNS

Kimberly-Clark Additional Building Water/Sanitary Service – Project status report

SCM reported the sanitary sewer has been installed and anticipates the water main installation will occur within the next week now that the soybean harvest has occurred.

Acct. #943 (N9157 Jordan St.) Fence Installation – Final Utility Easement Amendment master form (Fence on existing sewer easement)

CMG reviewed the Final Utility Easement Amendment master form received from CJH that was provided to the Commission prior to the 10/13/09 meeting. The last sentence was changed to state: If Grantor elects to plant trees and/or shrubs over the utility easement area, the Grantor will be responsible for landscape restoration if it becomes necessary for WSD to access the easement for future utility repair.

RWK will obtain the required signature on the Utility Easement Amendment relating to the above property and will contact WSD residents where fences already exist over easements to present the Utility Easement Amendment for residents' signatures. Recording will occur after RWK obtains the required signatures.

Rock II LLC (Waverly Beach Sports Bar) Road Reservation – Utility easement receipt status

SCM contacted Attorney Frassetto after WSD's 9/15/09 meeting and was informed the utility easement has been provided to Rock II LLC for signatures. Frassetto will provide the signed easement to CJH when the easement is returned to Frassetto. SCM will contact Frassetto again to question the easement status. The utility easement is a separate issue from the TOH's Road Reservation Discontinuance issue and can be addressed separately.

OLD BUSINESS

- **Water Sample Tests' Results**
  RWK reported all five tests, three taken 9/8/09 and two taken 9/22//09, were determined as safe by the State of Wisconsin. (Attachment #1, pp. 1-5)

- **VHE II-5 (Warehouse Specialists) – Receipt status of required project acceptance items**
  – VHE II-5's CSM – Discussion on included information
  – Water main oversizing ($10,460.65) payment to VHE II-5
  SCM stated the formal water main easement from VHE II-5 to WSD remains outstanding. The CSM creates WSD's lot, dedicates the road out to Midway Rd. and provides WSD's easements through the site. The CSM was provided to the TOH and was approved contingent on road dedication approval by Calumet Co. WSD's water main over sizing payment will be made to VHE II-5 prior to the meter station land purchase closing.

- **Water Metering Station – Current project schedule discussion**
  SCM reported the project has been placed for bids with bid opening scheduled for 10:00 a.m. on 10/29/09. Blacktopping was not included in the bid due to late season project construction. A gravel parking lot will be installed with the blacktopping to be addressed separately during 2010. A special meeting will be scheduled after the bid opening to award the contract.

- **Water Supply Connection (2nd) to Appleton:**
  **** Quit Claim Deed from WSD to VHE II-5 (Appleton's land) – Motion/second required**
  CMG provided the Quit Claim Deed provided by CJH for Commission approval/required signatures. MLS/LJF motioned/seconded Deed approval as presented. Motion carried 3-0. Required document signatures were obtained at the 10/13/09 meeting. CJH will authenticate the signatures and record the Deed.

  **** Quit Claim Deed (amended) from VHE II-5 to WSD receipt status**
  The amended Quit Claim Deed was provided to SCM by Ben Haupt on 10/9/09 which will be used as Exhibit A in the final purchase agreement.

  **** Agreement For The Sale And Purchase Of Vacant Real Estate – Content review and Commission approval (Motion/second required)**
  SCM reviewed the agreement stating WSD to pay $23,000 for the lot. The cost reduction is due to property WSD received form COA which reduced the amount of property for the meter site. The main upsizing reimbursement from WSD to VHE II-5 increased from $10,000.00 to $10,460.65. Each party will pay its own closing costs. Documents will be in the form of Quit Claim Deeds because Quit Claim Deeds have been utilized thus far for land transfers.

OLD BUSINESS - CONTINUED

**** Agreement For The Sale And Purchase Of Vacant Real Estate – Content review and Commission approval (Motion/second required) Continued**

WSD will pay $2000 for all Certified Survey Map related costs. WSD will plow and maintain the road for WSD access. The road will not be extended until Uitenbrock develops or until VHE II-5 needs it. CJH will prepare the title search letter for approximately $150-$200. Title insurance will not be required per CJH.

MLS motioned/LJF seconded WSD approve CJH to perform the title search and Sales and Purchase Agreement approval. Motion carried 3-0.

GENERAL CONSTRUCTION STATUS (INDIVIDUAL PROJECTS)

- **Woodland Hills Heights – Project status report**
  SCM stated Hagens planned to start this project during October 2009. However, a DNR wet land issue is delaying this project. The executed Waiver of Assessment was received on 2/9/09.

- **Birling Court Extension (Andrysczyk) – Project status report**
  SCM/WSD have not received contact/information regarding this project since WSD's 9/15/09 meeting. SCM anticipates this project will not proceed until the housing market improves. The executed Waiver of Assessment was received from SCM on 12/13/07.

- **Lake Park Condominiums – Project status report**
  SCM/WSD have not received contact/information regarding this project since WSD's 9/15/09 meeting. SCM anticipates this project will not proceed until the housing market improves. The executed Waiver of Assessment was received from SCM on 9/12/06.

- **Outagamie LLC Future Development – Project status report (18 acres)**
  Location: North of Woodland Terrace and south of Manitowoc Rd.
  SCM reported Van's Realty & Const. is reviewing a concept plan based on 7500 ft. lots created to accommodate Habitat for Humanity houses. Calumet County has approved the reduced lot sizes. The signed Waiver of Assessment was received 1/24/06.

NEW BUSINESS

- **Establish the November Meeting Date – Tuesday, November 10, 2009 (8:30 a.m.) District Office**
  Tuesday, November 10, 2009 at 8:30 a.m. was established as the November meeting date/time. The meeting will be held at the District's office.

NEW BUSINESS- CONTINUED

- **Hydro Designs Inc. Cross Connection Control Program – Proposal discussion/related cost**
  RWK reviewed the information provided to the Commission before the 10/13/09 meeting. Backflow testing is now a DNR requirement. Hydro Designs Inc. will establish a Cross Connection Control program for WSD and perform 31 annual inspections – 62 total inspections. The annual cost is $4440. The two-year contract cost is $8880. RWK is scheduled to meet with Hydro Designs Inc. representative Gary Mclaren on 10/15/09 to discuss the proposal further. Darboy provided WSD an example of the form Darboy utilizes for its backflow testing.

  MLS motioned/LJF seconded WSD enter into a two-year contract with Hydro Designs, Inc. Motion carried 3-0.

- **US EPA Administrative Order – Federal Drinking Water Regulation Violation (Nov. 2008) and Public Notification Requirements Discussion**
  RWK reported as of November 2008 WSD's water was required to be tested for total trihalomethanes (ITHM) and Haloacetic Acids (HAA5). For an unknown reason, Clean Water Testing failed to conduct these tests on the water samples submitted from WSD for testing during November 2008. RWK is hoping these tests can be done during November 2009. RWK is in the process of investigating this situation and is waiting for contact from Jennifer Kurtz Crooks. Public notification to all WSD customers is required by 10/31/09.

OFFICE REPORT (Attachment #2, pp. 1-12)
CMG reviewed the Office Report for those in attendance. All items reviewed are included in the attached Office Report.

- **Jury Duty Compensation – Establish District procedure for civil service/leave requirement (Tabled at 9/15/09 meeting for additional review)**
  The Commission agreed WSD employees will be paid their regular wage for Jury Duty compensation and that WSD will establish a formal policy at a later date. CMG provided TOM/TOH/Darboys' civil service/leave policies for Commission review at WSD's 9/15/09 meeting.

- **Annexation Status Report: Brian Wruck – N8526 North Shore Rd // Menasha, WI 54952**
  Wendy Bennett – W7096 Plank Rd // Menasha, WI 54952
  CMG reported Wruck paid his assessment reimbursement to WSD and developer reimbursement has occurred. WSD will retain the assessment reimbursement from Bennett because WSD funded the facilities extensions in that area during the 1992 Stacker Plat project.

FIELD REPORT (Attachment #3A, pp. 1-5 & Attachment #3B)
A Field Report was not submitted for meeting minutes' attachment.
RWK reported Hietpas has completed the manhole repairs on FL #2, 3, 7, and 8. RWK is unsure if the related asphalt work is complete.

OTHER BUSINESS TO LEGALLY COME BEFORE THE COMMISSION

Lift Station #4 Upgrade – RWK to report status Crane Engineering's progress
RWK to report status on the installation of two separate lines into LS #4's wet well

RWK reported Crane will install the mixer during the week of October 19, 2009. The access door and the conduit for the mixer have been installed. Crane will also abandon the electrical wiring for WSD's existing sign. The two separate lines into LS#4's wet well have been installed by Hietpas.

Waverly Sanitary District's Rezone Issue – CMG to report current status of rezoning process
– Anticipated installation and completion date of WSD's new facility sign

CMG reported WSD's rezoning request has been approved by the Town Board/Planning Commission/ Calumet Co. CMG issued a 50% down payment to Jones Sign 9/25/09. WSD will pay an additional $1000 for a sign upgrade that will include backed letters to eliminate wildlife problems. CMG anticipates WSD's sign will be installed before Thanksgiving. WSD personnel will remove WSD's existing sign within the next week.

WSD Facility's Parking Lot – RWK to report current status/situation of Valley Seal Coat asphalt crack repair/seal coating of facility's lot

RWK reported Valley Seal Coat will invoice WSD for the crack cutting/filling and paint striping at this time and will invoice WSD separately for the seal coating after the seal coating that was washed away due to rain is reapplied during spring 2010.

Since there wasn't any other business to legally come before the Commission, LJF motioned/MLS seconded meeting adjournment.

Meeting adjourned at 9:25 a.m.

Submitted by Susan A. Hallock