

PROCEEDINGS OF THE CENTRAL BROWN COUNTY WATER AUTHORITY

Pursuant to §19.84 Wis. Stats, a regular meeting of the Central Brown County Water Authority **Board of Directors** was held on Wednesday, December 13, 2023 at the Town of Ledgeview Community Center, 3700 Dickenson Road, De Pere, WI, and via video conference.

Members Present: Allouez – Chris Sampson
Bellevue – Ben Krumenauer
De Pere – Larry Delo (video)
Denmark – Susan Selner
Howard – Geoff Farr
Lawrence – Patrick Wetzel (video)
Ledgeview – Sarah Burdette

Also Present: David Dellise, Roffers Trucking and Excavating
Diane Wessel, MSA Professional Services
Gary Rosenbeck, McMahan (video)
Nic Sparacio, CBCWA General Manager

The meeting was called to order at 3:00 p.m. by President Sarah Burdette of Ledgeview.

Roll Call:

Roll Call was taken as recorded above. (Attendees present via video conference are noted above with “video.”)

Approval of Agenda:

1. Approve agenda

Motion made by Howard, seconded by Allouez to approve the agenda.

MOTION UNANIMOUSLY APPROVED

Approval of Minutes:

2. November 15, 2023 regular meeting

There were no revisions to the draft minutes.

Motion made by Denmark, seconded by Howard to approve the minutes of the regular Board meeting of November 15, 2023.

MOTION UNANIMOUSLY APPROVED

Public Comment and Appearances:

3. David Dellise was present representing the property owner for parcel D-2141 in the Town of Ledgeview. Nic Sparacio noted that the item of interest for Dellise appears later on the agenda under Technical Committee Recommendations. The Board’s options include asking for any public comments from Dellise under this item and engaging him in the discussion under the related agenda item later. Upon discussion, there was a consensus that the

Board would prefer to engage Dellise in the discussion under his item of interest later on the agenda.

Administrative Actions & Reports:

4. Communication planning

Sparacio reported on communication planning efforts over the last month. As requested, a sample email was provided to each Board Member that could be forwarded to invite local officials to connect with the Water Authority's social media page. An article related to the 3M and DuPont class action settlements was published in the Press Times. Plans are being developed for an event commemorating the start of water service in Denmark with an approximate timeframe of February.

5. Capital projects carry-forward request

Sparacio explained the status of all 2023 capital improvement projects and presented the capital projects carry-forward request for 2024. Two projects are expected to remain in progress for 2024. The Water Authority's costs for the Denmark Connection station will not be billed until the project is complete early next year, and the Finished Water Pump Station reservoir roof improvement may move forward next year. These two projects represent a total of \$320,000 in budgeted costs.

Motion made by De Pere, seconded by Ledgeview to approve a carry-forward of \$320,000 to the 2024 capital program for ongoing capital projects as presented.

MOTION UNANIMOUSLY APPROVED

6. Financial report

Sparacio presented the November financial statements. He pointed out the positive investment performance and interest income and a possible rebate owed to the Authority by WPS.

Motion made by Bellevue, seconded by Denmark to approve the financial report.

MOTION UNANIMOUSLY APPROVED

7. Bill payment list

Sparacio confirmed that all Members received the December bill payment list. He presented the bills pointing out charges from Camera Corner Connecting Point for IT equipment and from the Village of Hobart for stormwater fees. He also noted that total charges for MPU water purchase, with one month to go, are expected to remain within budget despite the higher-than-normal water consumption this year.

Motion made by Bellevue, seconded by Allouez to approve the bill payment list.

MOTION UNANIMOUSLY APPROVED

Technical Committee Recommendations:

8. Asset Management Program Development, Phase 1 proposals

Sparacio reported that he and Gary Rosenbeck have completed a review of the proposals received. Three proposals were received, and MSA is the top choice at this stage. The next steps are to talk with references and interview the MSA team at some point in January. Rosenbeck added that there has been good conversation and understanding on how

McMahon will tie into the project and work with the selected consultant. There is no formal recommendation for the Board at this time, so that will come back at a future meeting. Diane Wessel expressed her enthusiasm to see the asset management project move in this direction and affirmed that MSA is looking forward to working with the Water Authority.

9. Proposed construction in easement on parcel D-2141, Town of Ledgeview

Sparacio displayed the site plan and easement exhibit. He then presented the pipeline conditions, the proposed construction details, the existing easement, and easement amendment. The proposed easement amendment would authorize the paved driveway location, establish a hold harmless agreement, and remove a portion of the temporary construction easement where the new home would be located. It also clarifies that the Water Authority would not be responsible for repaving the driveway if it must be damaged or removed in the course of gaining access to the pipeline.

Sparacio further explained that the easement amendment is intended to mitigate the conflicts from a technical standpoint. But some concerns remain as to the potential for future conflicts between a residential use in such close proximity to significant utility infrastructure. While the current owner agrees with these conditions, this does not guarantee that future owners of this property will not have issues with abiding by the easement requirements. Potential conflicts could stem from the presence of the gravel drive running south through the property and the need for utility vehicles to drive across their lot to access the water mains and fiber optic lines.

Susan Selner asked whether the owner can pave the driveway. Sparacio responded that the portions that are indicated in the plans as paved can be approved by the Water Authority to allow that improvement within the permanent easement. But the remainder of the driveway must remain gravel unless the Water Authority consents to additional paving improvements. Sparacio then reported on the Technical Committee recommendation to approve construction of the paved driveway within the permanent easement with the following conditions:

- a. Per the terms of the attached easement amendment and hold harmless agreement.
- b. Contingent upon building and zoning approvals by the Town of Ledgeview.
- c. Contingent upon Town of Ledgeview and Water Authority approval for any utility service installations within or crossing the permanent easement.
- d. Contingent upon finalization of the easement exhibits.

Geoff Farr asked for details on the driveway and related grading. Sparacio responded that the construction narrative states that the driveway will be asphalt paved with a concrete apron. The grading around the driveway includes no cutting but does involve filling at a maximum depth of three feet above current grade. Selner asked for confirmation that if the Authority has to disturb the paved driveway, the Authority only has to replace it with gravel and does not have to repave. Sparacio responded that is correct. The owner would be responsible for any future repaving.

Burdette asked for the intended construction timeline. David Dellise responded that he understands it is pending Board approval, but they would like to start as soon as possible. Burdette then explained that the Town's permitting and review process will also need to be accounted for.

Dellise then stated that it is the owner's intention to place topsoil and establish a lawn over the remaining portions of the gravel access drive. He understands that utility vehicles using the gravel drive would rut up the lawn. He asked whether the Water Authority would allow this. Sparacio responded that this represents a change to the plans provided for review by the Technical Committee and is not considered in its recommendation to the Board. This question should go back to the Technical Committee for review. Sparacio explained that it is important that all parties be clear on the expectations for this easement in order to avoid unnecessary conflicts. Discussion continued on how substantial the existing gravel access drive is and how to best establish the expectations for construction and future use.

Burdette stated that the Town of Ledgeview has not yet seen the building plans, and it would be best to solidify these details on landscaping before making a final decision by the Board. Discussion continued on whether the potential conflicts have been fully mitigated, whether to place permanent markers on the easement, and how best to handle the remaining variables. It was noted that the Town of Ledgeview Sanitary District is also party to this easement and must review and approve of the amendment language before it can be finalized. They will not meet again until January. There was a consensus that the best option is to table the item to allow further progress to be made on the changes to the landscaping plan and to allow the owner to start the process with the Town of Ledgeview and the Sanitary District.

Motion made by Ledgeview, seconded by Howard to table the request for installing improvements within the easement on parcel D-2141, Town of Ledgeview.

Discussion continued on the timing and next steps for further consideration of this item. Sparacio stated that the revised plans must be submitted to the Technical Committee by January 4, 2024. Burdette then called for a vote on the motion.

MOTION UNANIMOUSLY APPROVED

10. Technical Committee officers for 2024

Sparacio explained that, per the Bylaws, all committee members and officers are set by the Water Authority President and Board. The Technical Committee has recommended Kurt Minten of Lawrence as the 2024 Chair, and Teal Spellman of Bellevue as the 2024 Vice Chair.

Motion made by Denmark, seconded by Lawrence to appoint Kurt Minten of Lawrence as the 2024 Technical Committee Chair and Teal Spellman of Bellevue as the 2024 Vice Chair.

MOTION UNANIMOUSLY APPROVED

Project Update and Status Reports:

11. Engineer's report

Gary Rosenbeck reported on a fiber optic mapping project, the leak detection process near the DP-5 connection station, and the ductile iron pipe protection project. The fiber optic connections from the mainline to each Water Authority building have been mapped and

added to the Water Authority's GIS system. He added that an updated draft of the Emergency Back-Up Supply Study has been completed which will be reviewed at the January Technical Committee meeting.

12. Manager's report

Sparacio reported on items he has worked on over the last month and areas he plans to work on in the month ahead. In terms of issues and concerns, he highlighted the ongoing leak detection process that Rosenbeck already touched on. There are also various repairs happening at the treatment plant and finished water pump station in Manitowoc and at the Central Storage facilities. He then provided an overview of his recent meeting with Green Bay Water Utility leaders to discuss the status of collaborative efforts. There may be opportunities to continue working on operational items of mutual interest.

Old Business

13. Authorization to respond to DuPont and 3M class action settlements

Sparacio stated that Attorney Kobza was unexpectedly not able to attend the meeting today. He reported that the settlement exclusion filing was completed on behalf of the Water Authority, but Attorney Kobza had additional thoughts for the Board on how it should respond to the City of Manitowoc which has opted to remain in the settlement. This item can be brought back for discussion at a future meeting as it will still be several months before any claims are submitted in the class action.

New Business

14. Election of 2024 officers

Sparacio reported that President Burdette has now served both years of her current two-year term, and this marks her fifth completed term as the Board President. The offices of Vice President and Secretary/Treasurer are both one-year terms, so all three Board offices are currently up for election. Geoff Farr is currently the Vice President, and Patrick Wetzel is currently the Secretary/Treasurer.

Burdette stated that for the health of the organization, she and Sparacio had discussed the timing for transitioning the President role with this year's officer elections. As a result, she reached out to Farr to encourage him to consider the role of President. Farr affirmed that he is willing to serve as Board President and he supports there being more frequent rotation of Board members in the officer roles. Sparacio added that he has appreciated the leadership continuity provided by President Burdette as he started in the General Manger position. He also recommends that the Board seek to strike a balance between continuity and refreshed leadership. He suggests that a limit or expectation of two terms as President would provide a healthy balance.

Geoff Farr was nominated for the office of President, and he accepted the nomination. There were no other nominations.

Motion made by Denmark, seconded by Lawrence to close nominations and cast a unanimous ballot for Geoff Farr of Howard as President for 2024/2025.

MOTION UNANIMOUSLY APPROVED

Patrick Wetzel was nominated for the office of Secretary/Treasurer. There were no other nominations.

Motion made by Ledgeview, seconded by Howard to close nominations and cast a unanimous ballot for Patrick Wetzel of Lawrence as Secretary/Treasurer for 2024.
MOTION UNANIMOUSLY APPROVED

Chris Sampson was nominated for the office of Vice-President, and he accepted the nomination. There were no other nominations.

Motion made by Bellevue, seconded by Denmark to close nominations and cast a unanimous ballot for Chris Sampson of Allouez as Vice-President for 2024.
MOTION UNANIMOUSLY APPROVED

It was noted that these roles are effective starting with the January meeting. The Board thanked Burdette for doing an excellent job as President for so many years. Farr requested that the Board meetings continue to be held in Ledgeview.

15. 2024 meeting schedule

The Board reviewed the 2024 meeting schedule. No changes were identified, so Sparacio will set up calendar invitations on this basis.

Motion made by Howard, seconded by Bellevue to approve the 2024 meeting schedule.
MOTION UNANIMOUSLY APPROVED

16. General Manager annual performance review and employment contract

Burdette noted that Sparacio will present some information on salary and benefits scenarios for next year and will then be excused from the closed session. Rosenbeck left the meeting at this time. Burdette then read the closed session notice: The Board may go into closed session pursuant to Wisconsin State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. The Board will then reconvene back into open session.

Motion made by Denmark, seconded by Lawrence to go into closed session.
ROLL CALL VOTE WAS TAKEN: All ayes.

Motion made by Bellevue, seconded by Denmark to return to open session.
ROLL CALL VOTE WAS TAKEN: All ayes.

Sparacio returned to the meeting at this time.

Motion made by De Pere, seconded by Howard to approve a 6% cost of living and performance increase to the General Manager salary for 2024.
MOTION UNANIMOUSLY APPROVED

Next Meeting:

The next meeting is scheduled for January 24, 2024. Anticipated agenda items include:

- Attorney discussion on DuPont and 3M class action settlements
- 2023 true-up and Member allocation

Central Brown County Water Authority
December 13, 2023

Adjourn:

The meeting was adjourned at 4:40 p.m.

Respectfully submitted,
Nicolas Sparacio