



Milwaukee Metropolitan Sewerage District

Meeting Proceedings

Commission

260 West
Seeboth Street
Milwaukee, WI
53204

Wallace White, Chair
Dale J. Richards, Vice Chair
Lyle A. Balistreri, Tim Carpenter, Michal Ann Dawson,
Jill Didier, Ben Gramling, John R. Hermes,
Lena C. Taylor, Willie C. Wade, Michael A. West

Monday, September 26, 2011

9:00 AM

Dennis M. Grzezinski Conference Room

CALL TO ORDER

Commission Chair Wallace White called the meeting to order at approximately 9:00 a.m.

RECORD ROLL

Present: Wallace White, Dale Richards, Lyle A. Balistreri, Tim Carpenter, Michal A. Dawson, Jill Didier, Ben Gramling, John R. Hermes, Lena Taylor, Willie C. Wade, Michael A. West

Approval of Proceedings of Special Commission Meeting held July 11, 2011 and Regular Commission Meeting held July 25, 2011

A motion was made by Commissioner West, seconded by Commissioner Balistreri. The motion carried.

NEW BUSINESS

Executive Director, Kevin L. Shafer, P.E. asked to take Item G. of the Executive Director's Report out of order. Mr. Shafer informed the Commission that MMSD had received the American Public Works Association Public Works Project of the Year Award for the Underwood Creek Rehabilitation Project. We also had received the same award several months ago from the State of Wisconsin. Mr. Shafer proceeded to acknowledge the work done by Tom Chapman, Dave Fowler, and Steve Heinz, as well as Mike Martin, Tom Zimmerman and the rest of the Technical Services staff.

11-003-1

Operations and Maintenance Report for July & August 2011

The Commission received a Power Point presentation for the months of July and August from John Jankowski, Manager of Contract Compliance, and Scott Royer, General Manager, Veolia Water Milwaukee LLC.

John Jankowski and Scott Royer provided updates related to recent Emergency Repairs.

In addition, MMSD and Veolia participated in the Doors Open Milwaukee event over the weekend at Jones Island providing tours of the plant. Over 400 people attended this event. Joyce Harms, Communications Manager for Veolia Water Milwaukee and Steve Jacquart, Intergovernmental Coordinator also provided comments on the success of the tours.

Received

11-041-2 Economic Development Report for July and August 2011

The Commission received a Power Point presentation from Peter Coffaro, Procurement & Business Development Manager, and Jose Galvan, SWMBE Coordinator.

Received

OPERATIONS COMMITTEE MEETING REPORT

Operations Committee Chair Michael A. West moved approval of Items 2 and 3 as a block. Item 1 was taken separately.

1 11-109-9 Award of Contract W40002E10, Deconstruction and Salvage of Residential Structures, Kinnickinnic River Flood Management Project

The Commission received a Power Point presentation with additional information from Michael Martin, Director of Technical Services. Commissioner West asked that the entire presentation be given to the Commission since several Commissioners were not present at the Committee meeting. Peter Coffaro, Procurement and Business Development Manager also provided information.

A motion was made by Commissioner Richards and seconded by Commissioner Didier to approve this item for just plain strictly demolition.

Kevin L. Shafer, P.E. reminded the Commission that we would have to reject these bids, that this item was not just for demolition and would need to be re-bid, or to give him authority for up to \$35,000 to proceed, but would take three weeks to do this. Also, would need to bring back to the Operations Committee and Commission at the end of the month.

Commissioner West stated he would like to amend the motion and delete the part authorizing that the Executive Director goes forward and substitute that the Commission receives bids, duly reviewed by staff, for consideration and granted the award at a special commission meeting, seconded by Commissioner Richards.

Susan Anthony, Director of Legal asked that the motion be repeated.

Commissioner Richards stated the following: to decline all bids for Item 1, the Commission give the Executive Director the authority to solicit bids for complete demolition on these homes and bring back to a Special Operations Committee or Commission meeting on October 24, 2011.

A Roll Call Vote was taken. Commissioner Wade asked for clarification as to what a yes vote would be. Susan Anthony, Director of Legal stated a yes vote would be to reject current bids and proceed to solicit demolition bids. The motion failed on a roll call vote with 4 yes votes and 7 no votes. The following Commissioners voted yes: Carpenter, Didier, Richards, and West. The following Commissioners voted no: Balistreri, Dawson, Gramling, Hermes, Taylor, Wade, and White.

The Commission then proceeded to vote on Item 1 as listed on the agenda.

A motion was made by Commissioner Balistreri, seconded by Commissioner Wade, that this matter be Adopted by a Voice Vote. The motion carried.

- 2 11-110-9 Award of Contract J06037C04, Coordination and Management Services for Startup of the Landfill Gas System
A motion was made by Commissioner West, seconded by Commission Vice Chair Richards, that this matter be Adopted. The motion carried.
- 3 11-111-9 Approval of Modification No. 3, Contract C04006C01, 59th & State Street Pump Station, Restore the Executive Director's Original Delegated Authority and Approve Change in Total Project Cost
A motion was made by Commissioner West, seconded by Commission Vice Chair Richards, that this matter be Adopted. The motion carried.

POLICY, FINANCE & PERSONNEL COMMITTEE MEETING REPORT

PF&P Committee Chair Lena C. Taylor moved approval of Items 5, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 to be taken as a block. The Commission was reminded that Item 10 required a two thirds vote. Commissioner Didier requested a separate Roll Call for Items 12, 13, and 14. The motion was amended, that Items 5, 7, 8, 9, 11, 15 and 16 be approved as a block.

- 5 11-112-9 Approval of the Updated Kinnickinnic River Watercourse Management Plan
A motion was made by Commissioner Taylor, seconded by Commissioner Dawson, that this matter be Adopted. The motion carried.
- 6 11-113-9 Declaration of the Public Necessity and Approval of the Revised Acquisition Plat (Relocation Order) for the Western Milwaukee Flood Management Plan Project W20017
Held in Committee
- 7 11-114-9 Declaration of the Public Necessity and Approval of the Acquisition Plat (Relocation Order) for the Wilson Park Creek Flood Management Project W45002
A motion was made by Commissioner Taylor, seconded by Commissioner Dawson, that this matter be Adopted. The motion carried.
- 8 11-115-9 We Energies Request for an Easement along East Dean Road near Indian Creek in the Village of Fox Point
A motion was made by Commissioner Taylor, seconded by Commissioner Dawson, that this matter be Adopted. The motion carried.
- 9 11-116-9 Insurance Coverage Renewal for General Operations
A motion was made by Commissioner Taylor, seconded by Commissioner Dawson, that this matter be Adopted. The motion carried.

- 10 11-117-9 Transferring Additional Money to the Debt Service Fund
- A motion was made by Commission Vice Chair Richards, seconded by Commissioner Didier, that this matter be Adopted by a Roll Call Vote. The motion carried by the following vote:**
- Yes:** 11 - White, Richards, Balistreri, Carpenter, Dawson, Didier, Gramling, Hermes, Taylor, Wade, West
- No:** 0 -
- Present:** 0 -
- 11 11-118-9 Adoption of Energy Risk Management Policy
- A motion was made by Commissioner Taylor, seconded by Commissioner Dawson, that this matter be Adopted. The motion carried.**
- 12 11-119-9 Repeal of Commission Policy 1-01.05, Disciplinary Procedures Code and Adoption of Commission Policy 1-01.16, Discipline and Grievance Procedure
- A motion was made by Commissioner Taylor, seconded by Commissioner Dawson, that this matter be Adopted by a Roll Call Vote. The motion carried by the following vote:**
- Yes:** 9 - White, Richards, Dawson, Didier, Gramling, Hermes, Taylor, Wade, West
- No:** 2 - Balistreri, Carpenter
- Present:** 0 -
- 13 11-120-9 Revisions to Commission Policy 1-77.20, Insurance and Related Benefits (Management/Non-Represented Employees) Relating to Employee Contributions to the Employees' Retirement System to Comply with Recent Change to State Statute
- A motion was made by Commissioner Taylor, seconded by Commissioner Dawson, that this matter be Adopted by a Roll Call Vote. The motion carried by the following vote:**
- Yes:** 9 - White, Richards, Dawson, Didier, Gramling, Hermes, Taylor, Wade, West
- No:** 2 - Balistreri, Carpenter
- Present:** 0 -

- 14 11-121-9 Declaration of Commission Intent to Pay Employee Contributions Directly to the Employees' Retirement System and to Fund Such Payments by Means of Pre-Tax Salary Deductions from Employees' Salaries Pursuant to Provisions of Internal Revenue Code Section 414(h)(2)
- A motion was made by Commissioner Taylor, seconded by Commissioner Dawson, that this matter be Adopted by a Roll Call Vote. The motion carried by the following vote:**
- Yes:** 9 - White, Richards, Dawson, Didier, Gramling, Hermes, Taylor, Wade, West
- No:** 2 - Balistreri, Carpenter
- Present:** 0 -
- 15 11-122-9 Authorization Request to Enter into a Lawson Financials Upgrade Professional Services Contract
- A motion was made by Commissioner Taylor, seconded by Commissioner Dawson, that this matter be Adopted. The motion carried.**
- 16 11-123-9 Approval of Funding Agreement MK02 under Project M03044, City of Milwaukee Pilot Project Lateral Rehabilitation
- A motion was made by Commissioner Taylor, seconded by Commissioner Dawson, that this matter be Adopted. The motion carried.**

ORGANIZATION & ADMINISTRATION

11-004-1 EXECUTIVE DIRECTOR'S REPORT

- A. Monthly Reports
- B. Follow-up Items from the Previous Committee/Commission Meeting
- C. 2012 O&M and Capital Budget Update
- D. Report on Differing Site Conditions
- E. Presentation of Private Property I&I Website and Overall Private Property I&I Outreach Efforts
- F. Earn & Learn Award
- G. American Public Works Association Public Works Project of the Year Award

A. Agency Services reports distributed, but Commission was informed that a revised report would be sent.

B. No reports

C. Mark Kaminski, Acting Controller invited all Commissioners to the Public Hearing for the 2012 O&M and Capital Budget at 6:00 p.m. Mr. Kaminski proceeded to provide updated information that was requested to be looked at pertaining to the Budget. Mickie Pearsall, Budget Manager provided clarification related to the additional pages that had been sent to Commissioners.

D. The Commission received a Power Point presentation on Differing Site Conditions from Tom Zimmerman, Engineering, Design & Construction Manager and Katherine Lazarski, Senior Staff Attorney.

Commissioner Richards suggested that with all the new Commissioners it would be a good idea to do a GIS presentation. Mr. Shafer stated this would be done at a future meeting.

E. The Commission received information from Jerome Flogel, Senior Project Manager related to Private Property I&I Outreach efforts within the region and neighborhoods. Steve Jacquart, Intergovernmental Coordinator and Bill Graffin, Public Information Manager demonstrated a new communication and outreach tool on the website titled "Basement Connections." Sean McMahon, Web Application & Site Developer worked with Steve and Bill on the development of this website. The Commission also received a Power Point presentation for the Public Outreach Program for Private Property I&I from Andy Lukas, Project Manager from Brown and Caldwell, and Kristine Martinsek, lead person for the Public Outreach Team.

F. Kevin L. Shafer, P.E., Executive Director, presented the Commission with the Earn and Learn Award that was presented by Mayor Tom Barrett on August 16, 2011 from the Milwaukee Area Workforce Investment Board Earn and Learn Program.

G. This item was taken out of order. The award was presented at the beginning of the Commission meeting.

At approximately 11:28 a.m. Commission Chair Wallace White excused himself and handed the gavel to Vice Chair Richards.

A motion was made by Commissioner Taylor, seconded by Commissioner Balistreri to go into Closed Session in accordance with state statutes and for the purposes set forth on the published notice and agenda. The motion carried.

Received

CLOSED SESSION

PURSUANT TO SECTION 19.85(1)(c), (e), and (g), Wisconsin Statutes, the Commission will go into Closed Session for considering employment compensation and performance evaluation data of public employees over whom the Commission has jurisdiction, regarding deliberations and/or negotiations on contracts which for bargaining reasons require a Closed Session and for conferring with Legal Counsel with respect to litigation in which the District is or may become involved.

- CS1 11-025-1 WPDES Permit Reissuance
Heard in Closed Session
- CS2 Director of Legal Services Report
Not Discussed in Closed Session
- CS3 11-124-9 Veolia Operations and Maintenance Agreement: Negotiation of Claim
Heard in Closed Session
- CS4 11-125-9 Deliberating the Investment of Public Funds for Which Competitive and Bargaining Reasons Require a Closed Session for Real Estate Negotiations for Project W20017
Not Discussed in Closed Session
- CS5 11-126-9 Deliberating the Investment of Public Funds for Which Competitive and Bargaining Reasons Require a Closed Session for Real Estate Negotiations for Project W45002
Heard in Closed Session
- CS6 11-127-9 Contract Negotiations with Veolia Environmental Services Related to Gas Dehydration Facility
Heard in Closed Session

ADJOURNMENT

As there was no further business, the Commission adjourned in Closed Session without reconvening into Open Session at approximately 12:40 p.m.



Sharon Chudy, Commission Secretary
Milwaukee Metropolitan Sewerage District