



Milwaukee Metropolitan Sewerage District

Meeting Proceedings

Commission

260 West
Seeboth Street
Milwaukee, WI
53204

Dale J. Richards, Chair
Wallace White, Vice Chair
Lyle A. Balistreri, Pedro Colon, David Cullen,
Michal Ann Dawson, Ben Gramling, Ronald G. Hayward,
Lyle Sohns, Willie C. Wade, Michael A. West

Monday, March 22, 2010

9:00 AM

Dennis M. Grzezinski Conference Room

CALL TO ORDER

Commission Chair Dale J. Richards called the meeting to order at approximately 9:00 a.m.

RECORD ROLL

Present: Dale Richards, Wallace White, Lyle A. Balistreri, Pedro Colon, David Cullen, Michal A. Dawson, Ben Gramling, Ronald G. Hayward, Lyle Sohns, Willie C. Wade, Michael A. West

Approval of Proceedings of Regular Commission Meeting held February 22, 2010

A motion was made by Commissioner Hayward, seconded by Vice Chair White, to approve the Proceedings. The motion carried.

The agenda was taken out of sequence. Items C. and D. of the Executive Director's Report were addressed first.

The Commission received the 2009 Distinguished Public-Private Partnership Service Award from the National Council for Public-Private Partnerships with the honor of the following guests present at the meeting:

The Honorable City of Milwaukee Mayor Tom Barrett
Jean-Michel Herrewyn, CEO Veolia Water Global
Laurent Auguste, President and CEO of Veolia Water Americas

10-004-1 Operations and Maintenance Report for February 2010

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

OPERATIONS COMMITTEE MEETING REPORT

Commissioner Colon, Operations Committee Chair, moved approval of Items 1 through 3 as a block.

- 1 **10-041-3** Approval of Contract Modification No. 5, Contract C07022C01, Canal Wet Weather Relief Sewer, and Approve Changes in Total Projects Costs
A motion was made by Commissioner Colon, seconded by Commissioner West, that this matter be Adopted by a Voice Vote. The motion carried.
- 2 **10-042-3** Award of Contract W40002E04, Project Management of the Salvage and Deconstruction of Residential and Commercial Properties Purchased for the Kinnickinnic River Flood Management Project
The Commission received comments against approval of this item from the following member of the public:

*Tim Hansen, President
Salvage Heaven, Inc.
2559 S. 93 Street
West Allis, WI 53227*
A motion was made by Commissioner Colon, seconded by Commissioner West, that this matter be Adopted by a Voice Vote. The motion carried.
- 3 **10-043-3** Award of Contract TS-2502, Jones Island Water Reclamation Facility Dryer Drum Blade Replacement
A motion was made by Commissioner Colon, seconded by Commissioner West, that this matter be Adopted by a Voice Vote. The motion carried.

POLICY, FINANCE & PERSONNEL COMMITTEE MEETING REPORT

Commissioner Cullen, PF&P Committee Chair, moved approval of Items 5 through 8 and 11. Item 9 was addressed separately.

- 5 **10-039-2** Approval of License with Growing Power, Inc. for Use of Property along the Western Milwaukee Project Corridor
A motion was made by Commissioner Cullen, seconded by Vice Chair White, that this matter be Adopted by a Voice Vote. The motion carried.
- 6 **10-045-3** Update to the Oak Creek Phase 1 Watercourse Management Plan
A motion was made by Commissioner Cullen, seconded by Vice Chair White, that this matter be Adopted by a Voice Vote. The motion carried.
- 7 **10-046-3** Authorizing the Transfer of Funds in the 2009 Operations and Maintenance Budget and Transfer of Funds in the 2009 Capital Budget
A motion was made by Commissioner Cullen, seconded by Vice Chair White, that this matter be Adopted by a Voice Vote. The motion carried.
- 8 **10-047-3** Amending the Adopted 2010 Operations and Maintenance Budget to Reflect Carryover of Unexpended Funds
A motion was made by Commissioner Cullen, seconded by Vice Chair White, that this matter be Adopted by a Voice Vote. The motion carried.

- 9 10-048-3 Approval of the Creation of a Deputy Director of Legal Services
A motion was made by Commissioner Cullen, seconded by Vice Chair White, that this matter be Adopted by a Voice Vote. The motion carried.
- 11 10-051-3 Deliberating the Investment of Public Funds for Project W97002, the Greenseams Program: Acquisition of Real Property in the Ryan Creek Corridor
A motion was made by Commissioner Cullen, seconded by Vice Chair White, that this matter be Adopted by a Voice Vote. The motion carried.

NEW BUSINESS

The following Item 10 was addressed after returning to Open Session from Closed Session at approximately 11:30 a.m.

- 10 10-049-3 Approval of a Modification to Commission Policy 1-21.01, Legal Services, and Approve a Change to the District's Organizational Structure
A motion was made by Commissioner Sohns, seconded by Commissioner Wade, to amend the resolution to include language that at every Commission meeting there will be a Closed Session item on the agenda to give the Director of Legal Services the opportunity to give a report to the Commission, with only the Director of Legal Services present, if desired. The motion carried.
A motion was made by Vice Chair White, seconded by Commissioner West, that this matter be Adopted as Amended by a Voice Vote. The motion carried.
- 12 10-053-3 Award of Contract P02001C03, Landfill Gas Carrier Pipe Installation at the College Avenue Crossing at Mitchell International Airport
The Commission received a Power Point presentation from Mike Martin, Director of Technical Services.
A motion was made by Vice Chair White, seconded by Chair Richards, that this matter be Adopted by a Voice Vote. The motion carried.

ORGANIZATION & ADMINISTRATION

10-003-1 EXECUTIVE DIRECTOR'S REPORT (ITEM E. ADDED)

- A. Monthly Reports
- B. Report on Ad Hoc Subcommittee for Strategic Policy Initiatives
- C. Presentation of National Council for Public-Private Partnerships -- 2009 Distinguished Public-Private Partnership Service Award
- D. Presentation of Veolia Water Milwaukee's Efforts to Strengthen the Milwaukee Region
- E. April 26, 2010 Commission Meeting Location - Jones Island

A. *No reports*

B. *The Commission received a report on the Ad Hoc Subcommittee for Strategic Policy Initiatives meeting from Commissioner Gramling, Subcommittee Chair, who indicated that the focus of the Subcommittee is on the Executive Director's 2035 Vision, and that the Subcommittee will come back to the Commission with a recommendation to adopt the vision and policies to support the vision.*

C. *The Commission received the 2009 Distinguished Public-Private Partnership Service Award for Milwaukee Water Reclamation Project by the National Council for Public Private Partnerships dated November 19, 2009. (This award was presented at the beginning of the meeting; and The Honorable Mayor Tom Barrett, Jean-Michel Herrewyn, CEO Veolia Water Global, and Laurent Auguste, President and CEO of Veolia Water Americas, were present.)*

D. *The Commission received a Power Point presentation from Laurent Auguste, President and CEO, Veolia Water Americas, related to their goals and efforts for the Milwaukee region and their partnering with MMSD to protect Lake Michigan, one of Milwaukee's greatest assets.*

E. *Kevin L. Shafer, P.E., Executive Director indicated to the Commission that the April 26, 2010 Commission meeting will be held at the Jones Island Water Reclamation Facility.*

Received

CLOSED SESSION

PURSUANT TO SECTION 19.85(1)(c) (e) and (g), Wisconsin Statutes, the Commission convened in 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** **10-026-1** Deliberating the Investment of Public Funds for Which Competitive and Bargaining Reasons Require a Closed Session:
- Milorganite
 - Real Estate Negotiations for Project C98041

Received

- CS2** **10-027-1** Deliberations and/or Negotiations on Labor Contracts which for Bargaining Reasons Require a Closed Session

Not Discussed in Closed Session

- CS3** **10-028-1** WPDES Permit Reissuance
Not Discussed in Closed Session
- CS4** **10-029-1** Claims Arising from June 6-9, 2008 Storm Event
Not Discussed in Closed Session
- CS5** **10-024-1** Claims Arising from June 18-19, 2009 Rain Event
Not Discussed in Closed Session
- CS6** **10-032-1** Deliberations for Which Competitive or Bargaining Reasons Require a Closed Session: Project P02001, Landfill Gas Pipeline, Design and Dryer Burner Conversion, Status of Negotiation with West Shore Pipeline; Negotiation with Veolia ES - Landfill Gas Purchase Contract
Heard in Closed Session
- CS7** **10-030-1** Deliberations for Which Competitive or Bargaining Reasons Require a Closed Session regarding Contract C07010C02, Harbor Siphons: Status of Negotiation of Pending Claims by Contractor
Not Discussed in Closed Session
- CS8** **10-031-1** Deliberations for Which Competitive or Bargaining Reasons Require a Closed Session and Conferring with Legal Counsel with Respect to Litigation in Which the District is Involved Regarding Contract C05013C01, N. 27th Street Inline Storage System Extension: Status of Project Schedule and Negotiation of Pending Claims by Contractor
Not Discussed in Closed Session
- CS9** **10-050-3** Considering Employment, Compensation and Performance Data; Director of Legal Services
Heard in Closed Session and Filed

The Commission reconvened in Open Session at approximately 11:30 a.m. to address Item 10, Approval of a Modification to Commission Policy 1-21.01, Legal Services, and Approve a Change to the District's Organizational Structure.

ADJOURNMENT

A motion was made by Vice Chair White, seconded by Commissioner Hayward, to adjourn. The motion carried.

The Commission adjourned in Open Session at approximately 11:35 a.m.

Marjorie Stahl, Commission Secretary
Milwaukee Metropolitan Sewerage District