**Minutes of August 4, 2020**

A meeting of the Wausau Water Works Commission was called to order at 1:30 p.m. in City Hall on August 4, 2020. In compliance with Wisconsin Statutes, this meeting was posted and receipted for by the Wausau Daily Herald on July 31, 2020.

Members present: President Rosenberg, Commissioners Force, Robinson, Herbst, Gehin.
Others present: Eric Lindman, Dave Erickson, Scott Boers, Valerie Swanborg, MaryAnne Groat, Steve Opatik/Becher Hoppe, Tonia Westphal/Clark Dietz by WebEx, Deb Ryan/702 Elm Street.

1) **Approve Minutes of July 7, 2020 Meeting.**
Herbst moved to approve the minutes of the July 7, 2020 meeting. Seconded by Robinson. Motion carried 5-0.

2) **Director's Report on Utility Operations.**
Lindman advised that a question had come up in relation to borrowing versus the operating budget revenues, debt issuance and how we make those determinations. Finance is in attendance if anyone would like elaboration on that.

Gehin asked about the invite for the COVID Study. Is this influent or are we sampling effluent too? Erickson advised he believes it is just influent. The purpose of the test is looking for material that would indicate whether the virus was present, not whether it's active. It would be used to estimate or predict the amount of infection in the community and not whether or not the wastewater is hazardous and what safety precautions we might want to take. Gehin asked if they would be utilizing the normal influent container. Erickson believes they are composite samples and he's sure there will be a procedure but they don't have it yet. Gehin asked if the sample would be specific for that day and if so, are the containers sterilized for the next 24 hour composite. He didn't see this in their protocol. Erickson advised we would certainly get a protocol and procedures from them.

Robinson said there have been a number of studies where they have utilized wastewater as a precursor for the prevalence of COVID in the community that allows them to look at targeting of testing and other things.

Force asked about the Clark Dietz study on solar energy at the drinking water facility and if a proposal is forthcoming. Lindman responded yes and this was just to inform the commission that he does want to work with Clark Dietz because they already have all of the information regarding the power at the new plant. It seems reasonable to work with them because they have all of that information. Force asked what will happen to the proposal once one is put together. Lindman advised we'll bring it back to the commission for their review, hopefully in September and it would be their choice to move forward with it or not. Force asked if it would then need to go to council. Lindman responded it could. The commission has full authority to approve the contract but if they'd like, it could be moved on to council as well. Force stated he hopes that once we have a proposal that we would evaluate it not just on cost effectiveness. A lot of solar projects are abandoned because it doesn't work out within the normal standards of cost effectiveness such as a return over 2-3 years. We should also take the environmental and community service aspect of solar power into account as we evaluate it.

Robinson asked what we expect the cost to be for the solar contract. Are we sole sourcing Clark Dietz and what is their background in this or are there other providers that could look at it as well? Lindman stated he thinks there are other engineering firms that could help us out with it too but the advantage of Clark Dietz is that they designed all of the power requirements for the drinking water treatment facility. He is not sure what size of a solar facility we would be designing. Anything over 20KW requires the engineer of record to sign off on the design. To work with an engineering firm that already has a full background in the design over the last couple of years is very beneficial to the utility. Robinson asked if the goal of the solar component is it to be self-sufficient or supplemental. Lindman advised it would be supplemental. We could design something huge but the payback to put it back on the grid through WPS is very low. The idea is to economically design a system that could supplement the power usage and for us to use everything that we generate. There might be times during low usage that we'd possible put it back on the grid but the wholesale rate through WPS is poor. Robinson stated that this is an area of specific expertise. Do we have that expertise with Clark Dietz or given the unique nature of solar power generation, are there other firms that could give us more bang for the dollar. Lindman responded that Clark Dietz is currently working with other municipalities doing this same thing. Westphal spoke via WebEx, they have done over 100MW of solar projects with the largest being for DT Energy in Michigan. She can provide that information if it would make everyone feel more comfortable. Right now they are working on a handful of projects with the closest one in the state being Parkland College which is in design and construction at this time. Robinson asked if we have a procurement policy by which we move proposals forward. Lindman advised we do have a procurement policy but it allows us to sole source with sufficient justification. If the commission feels we should send out an RFP we can certainly do that. With our RFP's and professional services, we don't necessarily make decisions based on cost. That is usually a very low priority. Robinson asked what we are estimating the cost to be. Lindman responded he does not know and that would come from working through the proposal. Lindman advised that he brought this to them because he didn't want to move forward with the sole source for engineering without their feedback. Robinson expressed that it's hard as a commissioner to say yes we should move forward without having a concept of the cost. Lindman responded that if they are not willing to say that they support moving forward directly with Clark Dietz then they would do an RFP. He just didn't want to go through the process and have meetings with Clark Dietz alone if the commissioners weren't supportive of doing a sole source.

Rosenberg stated this might be an opportunity for us to look at the City's procurement policy to ensure that what we're doing jives with the will of the body. The cost is important but also some of the other criteria that we are judging this project on and making sure we have that fully outlined.

Robinson explained that his experience has been that there is always value in not only reviewing the proposal of the successful consultant but there are many times where there are valuable ideas floated by other people. While he understands Clark Dietz's relationship to the project, we are talking about a separate component that is unique to that component. He doesn't see that they are uniquely qualified to do it and there may be others with additional expertise.

Lindman advised if there's not a consensus then we will just move forward with an RFP. Waiting another month just puts us back. He'll work on putting together an RFP over the next month, put it out for a couple of weeks and see what type of interest we get.

Gehin questioned the DNR wastewater plant inspection and the most glaring issue was the influent not providing accurate information on the incoming flows. Erickson advised the issue that they had was with the effluent meter and how they calibrate it. It's difficult because they can only do it when the UV system lights are out or when the flows are low otherwise, the UV system requires it to be backed up to the extent where the effluent meter isn't useable. They wanted them to clarify the process that they use to do that. This issue will be resolved once the plant is upgraded.

Robinson asked Groat what the threshold is for borrowing versus a capital budgeted expense. Groat explained that we don't have a policy as far as the cost of a specific capital project before we can borrow for it. It's more about matching the life of the asset with debt retirements. We do not borrow for rolling stock, even for the utility. Typically we borrow for major improvements to the plant but also some of the main work and infrastructure work. Historically, they have been piggybacking off of the City's general obligation capacity for the utility. A couple years ago, given all of our big economic development projects, we saw that we were going to potentially run tight in our general obligation capacity and we wanted to restrict that for city use, so we issued revenue bonds. There are 2 for both the water and sewer right now, an issue that we did in 2017 and again in 2019. Both are 20 year issues where we just have a flat principal/interest payment similar to a mortgage. In 2020, we wanted to issue some revenue bonds again for some capital projects as a means of trying to save on debt issuance. She has mentioned to our financial advisors to possibly look out over 2 years but only do one issuance. That is still being finalized and that would issue sometime in the third or fourth quarter. We would then reimburse ourselves for the funds we've expended this year and then have the balance to draw from in 2021. Robinson asked what the arbitrage requirements are now. Groat responded that it depends on how much we borrow but have to spend most of it within 2 years. With the low interest rates right now, it's difficult to get into an arbitrage situation. Robinson asked what the difference is in basis points between the revenue bond and the general obligation bond. Groat explained that the 20 year that they issued was about 2.5% over 2 years and when they did the fire station is was about 2.19%. Our financial advisor expects us to get under 1% for general obligation issues in 2020.

Director's Report placed on file.

**3) Discussion and Possible Action Increasing the Grant Amount for Private Side LSL Replacement from $3,000 to $5,000.**

Lindman stated with properties in the previous construction projects there is added cost for sidewalk and potential curb replacement that we normally wouldn't have with our reconstruction projects. There was consensus by the commission at the last meeting to increase the grant for those projects from $3,000.00 to $5,000.00.

Motion by Herbst to approve increasing the grant amount for previous construction projects from $3,000.00 to $5,000.00. Seconded by Gehin.

Force asked what the numbers are for previous construction projects. Boers advised we've paid out 2. We've had 47 people that have shown interest however, the cost has deterred a lot of people. There is about $150,000.00 left of the grant. This would cover 25 projects. If we do increase the grant to $5,000 we would go back and at least notify those people that showed interest and offer it on a first come first serve basis.

Gehin asked if there is anything other than the replacement of a sewer lateral that this grant would not cover. Boers advised it would cover everything besides sewer work since that cannot be covered with this grant.

Motion carries 5-0 to increase the grant amount from $3,000.00 to $5,000.00.

**4) Discussion and Possible Action on Issuing Additional TDS Excavation Permits Prior to their Current Permits being Completed and Closed.**

Lindman explained that TDS is in the city installing fiber lines. They've broken down the city into approximately 87 sections and 87 permits. The city requires an excavation permit for any work being done in the right of way by an outside entity. TDS currently has 16 crews working in various areas and they want to bring in another 4-6 crews. They would like an additional 6 permits however, they have not closed out the permits that they have. The problem on the utility side is the number of locates. If they don't close out a permit within 30 days, they need to request and pay for that permit again. They are on their 4th generation of permits because they are not completing those sections of city. Every time they reissue a permit, they call in a relocate and the utility crews have to go and relocate again. He's asking the commission to support not issuing additional permits until TDS closes some of the other permits they have outstanding. TDS is having issues getting materials in which is delaying their work but from the utility staffing standpoint, there is staff out doing nothing but locates and they have other work to do. Other locating services are working additional people and additional hours to get them done.

Robinson asked if they are providing us with a plan. Lindman advised they have and engineering reviews those prior to issuing permits, however, we still have to complete the locates. Robinson asked what mechanisms we have to make sure they are completing the work in a timely manner. Lindman advised that it's always been in our ordinance that when an excavation permit is issued, you have 30 days to complete the work and close the permit, however, the city has not always been good at enforcing it.

This year we have started enforcing that timeline. Some of the issues we have with these locates is that they request a 6 block locate but don't identify which side of the road it's on. We have the plans and it shows which side has been approved but when the subcontractors come in they decide to switch that and it causes issues and extra time. The only control that we have is the issuing of these permits.

Robinson asked if Lindman felt that limiting the scope of their work through permits is enforceable. Lindman advised it was enforceable. He hasn't spoken with the attorney office yet as far as action or forfeitures. We don't have the capability to watch them 24/7. Robinson asked if he's looking to cap the number of permits. Lindman advised that we won't issue anymore permits until one is closed out, they close one out and we will issue one more. Robinson asked if we have the authority to do that. Lindman responded that they have the authority to support it. If push comes to shove with TDS, they may be before the council requesting these permits. From a staffing level at the utility, if we aren't able to keep up we are liable if anything happens. We have 3 days to do locates or 24 hours if it's an emergency or relocate.

Deb Ryan/702 Elm St.

She has received calls that a number of neighbors did not receive any type of notification that TDS was coming in and has heard that it's happened in other areas of the city as well. She would suggest if the city is having these other issues that this should be brought up to them as well. Would this be the city's fault and is there miscommunication going on? Lindman advised their communication plan to the city was door hangers and mailings however, if Ryan has received recent complaints it needs to be reiterated.

Robinson asked what if we did a graduated permit fee. Lindman advised we could do that but that would affect individual residents as well and we don't want to do that. We can look at other permit options however, he doesn't think that will happen in time to rectify our current issues with TDS.

Rosenberg asked if we could issue permits differently whether it be a business or private individual. Lindman responded that they had talked about issuing different permits based on the type of work. There is definitely room for improvement within the code and it could be beneficial for the city.

Motion by Force that we not issue any new permits to TDS until existing permits are completed, they close one and we will issue one. Seconded by Gehin. Motion carries 5-0.

**5) Discussion and Possible Action on the WWTF Compliance Maintenance Annual Report (CMAR).**

Lindman advised that annually we provide the CMAR to the state. Erickson prepares it with the information he has down at the wastewater facility. Erickson stated that part of it is a self-evaluation and part of it the computer plugs some numbers in for us. It was pretty harsh on us for the BOD results. He believes in January and February we should have passed because our average was 30 and the limit was 30 but if there was a rounding of the number, the computer failed us. The CMAR is sort of a self-evaluation so we can determine where we have issues and begin to address them. The BOD is what he's specifically talking about and that's under the effluent quality. There's an issue called nitrification where we want the wastewater system to break down ammonia to nitrogen and when that doesn't happen, it happens in the lab when we do the BOD test and it skews the BOD results. It's not exceeding the BOD limit we are required to comply with but on the other hand, the BOD is still absorbing oxygen. We had a problem in January because the weather was particularly cold and when the temperature of the wastewater gets low it's hard to keep these nitrifying bacteria going. Once you lose them it's hard to get it reestablished. We were fighting that through April. In addition, in March and April we had some pretty big storms that flushed through the plant so we lost some of our solids causing us to have some spikes in BOD. We ended up with 4 months that failed the BOD limit resulting in a failing grade. We understand the problem and haven't had a problem within this last year. The new plant will have several things that will help us control this better. We'll have a new final clarifier that will give us another 33% of capacity and a better system of controlling what is going on in the aeration tanks. We also failed one month for phosphorous control due to the failure of the alum pump and it caused a high spike for a short period of time, the rest of the year we did fine. This is the report for 2019. For 2020 he has a feeling we will fail the section that refers to having adequate staffing but we're working on that.

Gehin stated 30 is the limit, what computer makes the distinction that it's over 30. Erickson advised our limit is 30, not 30.0. So when we get 30.4 the computer just compares it to 30 and does not round down. It's kind of splitting hairs but we don't want to be that close to the limit anyway. Gehin asked if it's the DNR computer. Erickson advised yes although he doesn't see it as a big deal because we shouldn't be that close to the limit.

Force asked Erickson to summarize what we will have at the upgraded plant that will prevent these BOD excursions. Erickson responded the new facility will have an anoxic zone prior to the aeration basins and we will have better control over PH and other parameters. There will also be more aeration tanks which will be much more beneficial for nitrification. We will also have another final clarifier.

Force asked what the ramifications are with this report. Erickson advised nothing happens. It's more about not hiding things from the commission. This is to point out issues and to work together to take care of them.

Motion by Gehin to pass this on to council. Seconded by Herbst. Motion carries 5-0.

**6) Discussion and Possible Action on Replacing the Utility Resource Manager Position with an Administrative Assistant III Position.**

Rosenberg advised that this item has been pulled from the agenda as there are more internal discussions that need to take place. We will revisit at a later date.

**7) Discussion and Possible Action on Adopting a Policy for Utility Employees who have their CDL Suspended.**

Rosenberg advised that this item has been pulled from the agenda as there are more internal discussions that need to take place. We will revisit at a later date.

**8) Discussion and Possible Action on the Conservation Campaign Branding Proposal.**

Force advised that they met with a local advertising agency called G. Morty & The Makers. They've done some quality work for the Marathon County Solid Waste commission and Monk Gardens. The proposal received totals $4,500.00. The estimate is broken out into various steps in the process of completing the final project.

Motion by Force to go forward with approving this proposal for $4,500.00. Seconded by Gehin.

Robinson brought information regarding a rain barrel programs in other communities. Force agreed that while he can see this as being part of the program it is a separate piece because of the funding and management of the program. He would like to concentrate on the homeowner portion of the program right now. They also discussed having this available in multilingual versions.

Motion carries 5-0.

**9) Discussion and Possible Action on Implementing a Forfeiture/Citation for Unauthorized use of a Fire Hydrant.**

Lindman advised we've had TDS subcontractors and other contractors in the city pull water off of our hydrants without permission. We have an ordinance in place, section 13.52.040: Use of hydrants for construction that requires permission from the Director before they can use a hydrant. There are procedures that they have to follow and a fee as well. At this point we don't have a fine for unauthorized use. Every time they hook to a hydrant there is potential for contamination. He feels within the ordinance we should include a fine. There are water stations where they can get water and recommends a fine of $500.00-$750.00. Robinson agrees but would like to also include that in the event they do cause cross contamination that they are responsible for 100% of the costs associated with that.

Motion by Robinson to modify the ordinance to include a monetary fine of $750.00 as well as a liability associated with cross contamination issues. Seconded by Gehin.

Gehin asked if the water is metered. Boers advised we do have a meter with an RPZ. We got rid of the construction meters because they were no longer legal with lead limits and contractors would ride around with them in their trucks with no use. The utility will set the RPZ meter when absolutely necessary otherwise we require contractors to get their water from one of the bulk stations. Another issue is that our hydrants open backwards and it can cause twisted or broken shafts.

Motion carried 5-0.

Gehin asked to go back to agenda item #7. Is it fair to assume that someone has an issue with their CDL and is the employee on the payroll? Lindman responded yes and right now the city does not have a policy. It's in our best interest to have a policy and we need to have some more discussions internally.

Robinson expressed his concern of delegating this to the Director of Public Works rather than Human Resources and secondly, the Utility is part of the City and we would want to make sure that any policy we have is consistent across all departments.

**Adjourn.**

There being no further business to discuss, motion was made by Gehin to adjourn the meeting. Seconded by Robinson.

Michelle Weasler, Recording Secretary

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