

**CALUMET SANITARY DISTRICT
FOND DU LAC SANITARY DISTRICT NO. 2
JOHNSBURG SANITARY DISTRICT
TAYCHEEDAH SANITARY DISTRICT NO. 1
TAYCHEEDAH SANITARY DISTRICT NO. 3
JOINT QUARTERLY INFORMATIONAL MEETING
July 23, 2020
5:30 P.M.
TAYCHEEDAH TOWN HALL**

ROLL CALL OF MEMBERS PRESENT:

Calumet Sanitary District (CSD): President Gary Watry and Commissioner Allen Schmitz. Absent: Commissioner Kevin Tasch.
Fond du Lac Sanitary District No. 2 (FdL#2): Absent: President Brian Balson and Commissioners Bob Giese and Tom Beltz.
Johnsburg Sanitary District (JSD): President Franz Schmitz. Absent: Commissioners Dennis Lefebber and Ken Schneider.
Taycheedah Sanitary District No. 1 (TSD#1): President Mike Nett and Commissioners Dan Weber and Jim Huck.
Taycheedah Sanitary District No. 3: President Bill Gius and Commissioners John Rickert and Katherine Diederich.

Also present: Brenda Schneider, Recording Secretary for Taycheedah Sanitary District #3 and Johnsburg Sanitary District; Eric Otte, JE Arthur and Associates; Priscilla Yohann, TSD#1 Administrative Clerk; Joe Thome, Town of Taycheedah Chairman and Town Supervisors Tim Simon and Jim Rosenthal.

The meeting was called to order at 5:30 p.m.

APPROVAL OF MINUTES OF THE LAST MEETING

Motion by John Rickert, second by Dan Weber, to approve minutes of the January 23rd, 2020, meeting as distributed. Motion carried by voice vote.

SHARED SEWER REPAIR ISSUES

Taycheedah Sanitary District #1

Eric Otte is currently assisting them in the process of getting quotes for the pump replacement at the Gladstone lift station.

There were very few expenses during the first and second quarter of 2020.

PREVENTATIVE MAINTENANCE

Calumet Sanitary District

They are in the process of upgrading the Elm Beach lift station. The 4" force main will be converted to 6". They are also working on I/I issues with a few manholes.

Johnsburg Sanitary District

Some televising was done this year. No problem were found.

Taycheedah Sanitary District #3

They also had some televising done. No problems were found. Overall, the system is in good shape.

A leak was recently discovered in the Shady Lane lift station wet well. They are in the process of obtaining a repair quote. The work is tentatively planned in August.

OSG EXECUTIVE COMMITTEE REPORT

The City and the OSG have been negotiating the 2020 Agreement. The City presented a proposal that would make significant changes to I&I efforts. The TSC is meeting this week and a special meeting is planned next week.

The June 10th rain event caused flooding at the south end of the City. The City acknowledged an I/I issues but did not need to bypass.

The OSG Annual Meeting is planned for September 17th, at 6:00 pm, at the Treatment Plant. The City's CIP, with a focus on phosphorus reduction, is expected to be discussed.

The City needs to re-apply for the Multi Discharger Variance. All OSG members are asked to complete the survey recently received from the Dempsey Law Office. Approval of this variance would allow delay of the CIP projects; providing more time for new technology to be developed.

OPERATION & MAINTENANCE:

Review updated AGREEMENT FOR THE ALLOCDATION OF COSTS AND TRANSPORTATION OF WASTEWATER

In late January, 2020, TSD#1 distributed the fourth version of the draft Agreement. TSD#1's goal is to provide for a consistent Agreement amongst the parties (CSD, TSD#3 and JSD) and provide for fair and equitable cost-sharing at the lift stations.

Bill Gius reviewed and forwarded the document to Attorney Matt Parmentier. Attorney Parmentier opined that the fourth version is virtually unchanged from the third version; therefore his opinion remains the same. Bill distributed a packet of related documents to each party. Bill commented, in his opinion, that correspondence sent to TSD#1 regarding concerns and questions has not been addressed. Bill also mentioned that he and Town Chairman Joe Thome met with Attorney Parmentier. Attorney Parmentier has offered to mediate amongst the parties as referenced in Section 12 of the OSG Agreement, Dispute Resolution.

Jim Huck noted that their attorney reviewed the document and found no objections.

Bill Gius acknowledged the primary objective is to facilitate cost-sharing at the lift stations. Based upon this objective, with guidance from Attorney Matt Parmentier, TSD#3 approved an addendum to their current Agreement. Bill suggested the parties sit down with Attorney Matt Parmentier.

Joe Thome, Town Chairman, announced that he invited Eric Otte. Eric Otte admitted he is not an attorney and that he doesn't understand the legalese of the document; however, he does concur with the methodology stated in the document. He has reviewed all three current Agreements noting that CSD's if significantly different and TSD#3's and JSD's are similar. He understands the overall intent is to have a consistent Agreement with more specifics as to cost-sharing. Eric added that he has mapping, flow information and calculations. He recommends the maps be attached to the new Agreement. Eric acknowledged that the proposed Agreement is different than the Master Agreement noting that the use of flows vs capacity-owned is inconsistent with the Master Agreement; the 50-year peak design flows should be used. He summarized that other than cost-sharing based upon flows he doesn't see a whole lot of difference and mentioned that mediation with Attorney Parmentier may be a good idea.

Mike Nett acknowledged that the existing Agreements currently in effect were up-to-date at the time they were signed in the early 1990s and 2000s. The proposed Agreement clarifies that expenses will be cost-shared based upon metered flows at the lift stations. He stated that he is not interested in addendums to the current Agreements adding that historical events are behind us. The document cleans-up language and is fair and equitable and is not a disadvantage to the upstream districts.

Kathy Diederich commented that TSD#1 drafted the Agreement (first version) in 2012 and that from a legal perspective they made sure to include, on page 5, the statement addressing that if anything is in conflict with the Master Agreement, the Master Agreement will supersede. TSD#3 sent communication noting 23 points of concern. They addressed each item. Kathy contends that the proposed Agreement will not hurt any of the districts' customers because it is what's fair and equitable to the districts.

Bill Gius commented that we need to respect the analysis of Attorney Parmentier and his colleague. They disagree that it's fair and equitable and that the parties should accept his offer of mediation. Eric Otte noted at this time that his review of the documentation distributed by Mr. Guis at the meeting did not contain any language by Attorney Parmentier that noted the agreement as presented would be detrimental to the District if signed.

Kathy Diederich stated no disrespect to Attorney Parmentier. They literally laid all three existing Agreements side-by-side and pulled the best parts of all three to create the proposed Agreement.

Joe Thome, Town Chairman, asked why the document has not been on the agenda. Tim Simon added that each party needs to put it on their next agenda. Bill Gius replied that it was voted down by TSD#3 in November of 2018, based upon counsel from Attorney Parmentier. Parmentier recommended the addendum to the current Agreement.

Mike Nett restated that he is not interested in addendums and noted that all of the districts' questions and concerns are addressed in the proposed Agreement. He noted that the document has not been on TSD#3's agenda. Mike added that he has spoken to John Rickert about the document, relaying that John supports it. Mike addressed Bill Gius questioning his lack of intent to sign it knowing that the vote would be 2-1. Kathy stated she would sign it. Bill Gius replied that TSD#3 Commission includes an employee of TSD#1 and a former consultant to TSD#1. Kathy responded questioning her professionalism that she would act in a professional manner adding that Attorney Parmentier's opinion addressed an addendum to the current Agreement or building a new Agreement from the ground up. She stated the proposed Agreement accomplishes this goal.

Eric Otte admitted that he has not spoken to Attorney Parmentier about the proposed Agreement. Eric offered to meet with Attorney Parmentier. He noted that the correspondence from the attorney does not address specific items of concern. TSD#1 verbally accepted Eric's offer. Bill Gius noted that Attorney Parmentier's offer to mediate has been on the table since April.

Brenda Schneider offered the following details based upon history and the minutes of the joint meetings, noting that most of the individuals present were not involved at the beginning:

- CSD was the first to connect. They entered into a dual Agreement with TSD#1 addressing capacity purchase and O&M cost-sharing. The document addresses O&M in general sense.
- TSD#3 connected about 10 years after CSD. They also entered into a dual Agreement with TSD#1 addressing capacity purchase and O&M cost-sharing. The document also addresses O&M in a general sense.
- Shortly after TSD#3 connected, JSD was nearing connection. With TSD#1's concurrence, the two parties agreed to enter into two separate Agreements; one for the capacity purchase and eventually one for O&M.
- When JSD received their first O&M bill, they questioned the lack of specifics and requested information from TSD#1.
- On May 12, 2004, TSD#1 and JSD met. It was learned that TSD#1 was billing a proportionate share of their entire postage, envelope, wages, including the Commissioners, and their Errors & Omissions insurance, and many other unrelated expenses.
- JSD & TSD#1 began negotiations. JSD knew that whatever they agreed to would likely affect TSD#3 and CSD. This was the beginning of what has become the quarterly joint sanitary district meetings.
- There were primarily three item of contention:
 - Cost-sharing in the recently purchased generators,
 - The use of pump-run times vs. metered flows at the Brookhaven and Gladstone lift stations, and
 - Cost-sharing based upon capacity owned vs. flow.
- In January of 2010, five and a half years later, after open negotiations during sometimes monthly meetings, JSD and TSD#1 approved an O&M Agreement.
- Based upon the open negotiations of all parties, the current JSD Agreement, with a minor clarification, could easily meet the goal of cost-sharing at the lift stations noting that the document outlines how we've been handling O&M for the past 16 years.

Kathy Diederich mentioned the June 26, 2018, joint meeting referencing that all components were discussed. TSD#1 needs consistency. Updating JSD's current Agreement is not on the table. She guarantees that signing the Agreement would not be detrimental to their district as the agreement is fair and equitable and that nothing will happen to them.

Bill Gius asked Eric Otte how quickly he could meeting with Attorney Parmentier. Bill suggested the district presidents also meet with them. Eric responded that a meeting can be schedule whenever it will fit within Matt’s calendar. Eric added that he wants to speak to Matt regarding his lack of specifics in his opinion.

Joe Thome, Town Chairman, commented that it could cost \$1,000s for their review.

Mike Nett is looking for an opinion as to fairness. He stated the districts need to put this matter on their next agenda to discuss and take action. Mike asked John Rickert and Kathy Diederich directly if they would support approving the proposed document. Both replied yes.

Gary Watry indicated that CSD has been onboard for quite some time. Bill Gius inquired if CSD has obtained a legal opinion. Gary replied no; they are working with Kathy Diederich.

Bill Gius stated that it would be irresponsible to ignore their attorney’s opinion. Attorney Parmentier’s opinion has been the same for all three versions. Bill wants to keep things legal and right.

Mike Nett restated that addendums are not on the table. He then asked Bill Gius how soon it would be on the agenda and who decides the agendas. Bill replied the Commission. John Rickert and Kathy Diederich verbalized that they want the matter on the next agenda. Mike Nett indicated the group would get Eric Otte’s and Attorney Parmentier’s opinion if the document is not approved during the next meetings.

Kathy Diederich summarized that TSD#1 requests each district put the matter on their next agenda. Dependent upon action, Eric and Matt will be asked to provide their review.

Review Quarterly billings

2020-1st qt. O&M bills planned to be included in the cost-share were follows:

- Work logs for the inspection and maintenance employees were reviewed.
- JE Arthur Gladstone-engineering for pump project \$2,217.50
- JE Arthur Gladstone-engineering for pump project \$230.00
- JE Arthur Gladstone-engineering for pump project \$460.00
- Sabel Mechanical Gladstone-chg piping for sump pump \$1,586.05
- Total Energy Systems Gladstone-planned maint. \$375.00
- Total Energy Systems Winnebago Dr-planned maint. \$375.00
- Total Energy Systems Brookhaven-planned maint. \$375.00
- Sabel Mechanical Gladstone-pumps down \$473.25

2020-2nd qt. O&M bills planned to be included in the cost-share were follows:

- Work logs for the inspection and maintenance employees were reviewed.
- JE Arthur Gladstone-engineering for pump project \$1,630.00
- JE Arthur Gladstone-engineering for pump project \$402.50
- Energenecs All locations-supply inventory \$913.19

PUBLIC COMMENT

None presented.

ADJOURNMENT

Motion by Gary Watry, second by Mike Nett, to adjourn at 6:49 p.m. Motion carried unanimously by voice vote.

SCHEDULE THE NEXT MEETINGS:

Thursday, October 22nd, 2020
Thursday, April 22, 2021

Thursday, January 28th, 2021
Thursday, July 22, 2021

Attest: _____
Brenda A Schneider, Recording Secretary
Taycheedah Sanitary District #3
Johnsburg Sanitary District