

**Delafield-Hartland  
Water Pollution Control Commission**

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Commission Meeting Minutes for June 15, 2010  
Delafield-Hartland WPCC Treatment Plant Board Room

Time  
7:00 PM

**CALL MEETING TO ORDER**

M. DeYoe called the meeting to order at 7:00 p.m.

**ROLL CALL**

Delafield

Tim Aicher  
Michele DeYoe  
Beth Leonard  
Gerald MacDougall

Village of Hartland

Karen Compton  
Richard Landwehr  
Michael Meyers  
Rick Stevens

Also Present

Rose Frick  
Scott Luczak  
Tim Fenner, Del-Hart's Attorney  
Tim Schuenke, City of Delafield Administrator

ALL ITEMS ON THE AGENDA ARE SUBJECT TO ACTION BY THE COMMISSION EXCEPT WHERE OTHERWISE NOTED:

M. DeYoe welcomed new member, T. Aicher, to the Del-Hart Commission.

**APPROVE MINUTES OF MAY 18, 2010 COMMISSION MEETING**

**R. STEVENS MOTIONED TO APPROVE THE MINUTES OF THE MAY 18, 2010 COMMISSION MEETING AS PRESENTED. R. LANDWEHR SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

OTHER ISSUES

**ELECTION OF COMMISSION OFFICERS**

**R. STEVENS MOTIONED TO ELECT M. DEYOE AS CHAIRPERSON. R. LANDWEHR SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. M. DEYOE WILL SERVE AS THE CHAIRPERSON.**

**M. MEYER MOTIONED TO ELECT K. COMPTON AS VICE CHAIRPERSON. R. STEVENS SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. SEVEN WERE IN FAVOR. T. AICHER ABSTAINED. MOTION CARRIED. K. COMPTON WILL SERVE AS THE VICE CHAIRPERSON.**

**K. COMPTON MOTIONED TO ELECT B. LEONARD AS SECRETARY/TREASURER. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. B. LEONARD WILL SERVE AS THE SECRETARY/TREASURER.**

GENERAL MANAGER'S REPORT

ST. JOHN'S NW MILITARY ACADEMY'S PURCHASE OF ADDITIONAL DOMESTIC USER EQUIVALENTS IN 2008 (GENERAL DISCUSSION ONLY – NO ACTION)

St. John's NW Military Academy (SJNMA) is trying to get the assignment/billing of the additional 15.75 DUEs from 2008 reversed. SJNMA attended the February 17, 2009 Del-Hart meeting and talked to the Commission. At that time, the Commission decided to wait two billing cycles and then bring it up for further discussion. At the September 15, 2009 Commission meeting, SJNMA was at 127.25 DUEs which was 9.25 additional DUEs above their 118 assigned/billed DUEs. They now feel that they have fallen below the assigned DUEs and would like to see if the DUEs can be paid back to them.

Attorney Fenner discussed refunding of DUEs. The first issue that arose in 2007 indicated excessive water use and, as per the ordinance when excessive water use is noted, they were notified with a warning but they did not appeal. After another 12 months passed, it was found that the second 12 months still indicated high water usage in 2008. This resulted in assigning and billing SJNMA the 15.75 additional DUEs. There were two opportunities to object, that being after the first and second 12 month periods. No appeal was ever made in a timely manner. Attorney Fenner stated that he did not know what the excessive water was due to and he has not seen any new data suggesting that the water usage is substantially less. The second issue is that opportunities were offered but no appeals were taken. He stated that under the ordinance the decision is final. From the legal side, Del-Hart does not have an obligation to revisit the issue; however, it could be revisited if the Commission so desired. It was not understood why SJNMA did not appeal nor was it clear if SJNMA understood the process. However, S. Luczak felt that since SJNMA went through the process both in 2003 and 2004, that the process was understood. Attorney Fenner discussed the danger in setting precedent; this opens the door to all decisions in the past and he questioned what the standards would be in the future for visiting situations such as this. The Arrowhead School issue was briefly discussed. R. Frick commented that Arrowhead School had followed the proper appeal process in place at that point in time. The third issue with SJNMA is that giving DUEs back sends the wrong message as people should be encouraged to conserve and eliminate flows; to be more responsible for their sewer use.

City of Delafield Administrator, T. Schuenke, recalled his involvement with this subject.

R. Frick stated certified letters are always sent when the warning/billing letters are issued. She added that SJNMA was sent certified letters for the 2007 warning and the 2008 billing of additional DUEs as well as the warning in 2009. She is currently analyzing SJNMA's quarterly readings to see if they should be billed an additional 9.25 DUEs for this next annual warning/billing cycle in 2010. It was the opinion of Attorney Fenner that at this point in time the data did not seem to support a reduction in usage. DUEs are relevant for connection and user fees. Del-Hart has been very responsive to SJNMA on their user fees. It was noted that Del-Hart's connection charges had increased substantially in 2007 and now increase each year with the Construction Cost Index. Also, the City of Delafield had substantially increased their connection charges by about 87% in 2009. M. DeYoe thought it would be prudent to have Attorney Fenner work with SJNMA's attorney for resolution of this matter prior to the next meeting. Attorney Fenner agreed. It was stated that SJNMA will be allowed the opportunity for a hearing should they so choose.

## REVISIONS TO WISCONSIN DEPARTMENT OF NATURAL RESOURCES' PHOSPHORUS LIMITS

T. Thompson, Wisconsin Department of Natural Resources (DNR) Basin Engineer was contacted by S. Luczak. At this time, the DNR is not accepting letters on the subject. However, in anticipation of letters being accepted (possibly at the end of June 2010), S. Luczak prepared a draft letter to send; the letter was read to the Commissioners. There is a possibility that the DNR may adjust limits based upon affordability. This situation will continue to be monitored closely.

## COMPLIANCE MAINTENANCE ANNUAL REPORT (CMAR)

S. Luczak read portions of the CMAR including the following: Influent Flow and Loading, Effluent Quality & Plant Performance, Monthly and Weekly Effluent Values for Ammonia, Monthly Average Effluent Values for Phosphorus, Biosolids and Management, Staffing and Preventative Maintenance, Designated Operator, Financial Management, Replacement Fund and Sewer Collection Systems.

Del-Hart earned a score of 4.0 and an "A" was received on the report.

Resolution #061510 for the CMAR Report was read by M. DeYoe.

**G. MACDOUGALL MOTIONED THAT THE CMAR REPORT WAS REVIEWED AND TO APPROVE RESOLUTION #061510. R. STEVENS SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

## FINANCE DIRECTOR'S REPORT

### RE-STRUCTURE OF DOMESTIC USER EQUIVALENTS UPDATE

R. Frick reported that work is continuing and more information will be provided at the next meeting.

### FINANCIAL STATEMENTS

The Commissioners received a copy of the financial statements. No unusual activity was reported. The Unrestricted accounts (Page 5 – Investments) are holding at 1.7 million. A number of excellent investments were made at rates between 5.0% and 6.0%. The average interest rate on the depreciation investments is currently 5.348%. On the Comparative Income Statements, the Increase in Fair Value Adjustment is currently over \$200,000 year-to-date. R. Frick commented that Del-Hart had a few investments that had dropped to the third highest investment rating, but the gains/losses recorded are minimal. These investments (still considered investment grade by Robert W. Baird) are quite large in dollar amount and currently show only minimal increases/decreases in fair value; although there is no concern, they will be closely monitored.

APPROVE EXPENSES & DISBURSEMENTS

**R. LANDWEHR MOTIONED TO APPROVE THE EXPENSES AND DISBURSEMENTS. M. MEYERS SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. SEVEN WERE IN FAVOR. B. LEONARD ABSTAINED DUE TO NOT BEING PRESENT AT THE TIME OF THE VOTE. MOTION CARRIED.**

NEXT COMMISSION MEETING'S AGENDA ITEMS – NO DISCUSSION OF REQUESTED ITEMS

- Resolution and Awarding of Plaque to E. McAleer for Years of Service on the Commission
- St. John's NW Military Academy's Purchase Of Additional Domestic User Equivalents In 2008

ADJOURN MEETING

**R. STEVENS MOTIONED TO ADJOURN FROM THE MEETING. K. COMPTON SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 8:03 P.M.**

Respectfully submitted:

Minutes prepared by:

Rosemary Frick, CPA  
Finance Director

Accurate Business Communications, Inc.