



City of Madison

Meeting Minutes - Final

WATER UTILITY BOARD

City of Madison
Madison, WI 53703
www.cityofmadison.com

Tuesday, August 21, 2007

4:00 PM

119 E. Olin Avenue

CALL TO ORDER

ROLL CALL

PUBLIC COMMENT

Janet Czerwonka reported on the award that the Water Utility was honored with from AMWA (National Association of Metropolitan Water Agencies) for management excellence. The Steering Team gave the following statement: The MWU is pleased to announce that we are receiving the prestigious 2007 Gold Award for Competitive Achievement from the AMWA located in Washington DC. AMWA is the voice for the largest public drinking water systems in the United States on regulatory, legislative and security issues as well as a leadership resource for senior water executives. This award confirms what the EMA study concluded, that the Madison Water Utility is an efficiently run utility. The award is granted in part to agencies that conduct a participatory process for continued improvement. However, we recognize that there are areas that need improvement in order for us to become a world-class organization. Management and labor are working together following our strategic plan to reach this goal.

APPROVAL OF MINUTES

1. Approval of the minutes of the regular meeting of July 10, and special meetings of July 24 and July 31.

The minutes of the three meetings were approved.

CHANGES/APPROVAL OF AGENDA

INFORMATIONAL REPORTS

2. July Water Quality Report.
3. Report on Water Quality Technical Advisory Committee.

Joe Grande reported this committee met for a third time on August 6. He distributed meeting minutes to the Board members. Joe reported that the committee reviewed the 2006 Manganese Monitoring Report, the recently approved chlorine SOP, and the 2007 Annual inorganics and volatile organic compounds (VOC) test results. The committee addressed the recommendation in the manganese report whether Madison Water Utility should establish its own water quality standards. Joe reported the group felt it should not because EPA and DNR guidelines are health-based standards and it might be difficult to justify different standards that are not health-based standards. It might be difficult to

justify different standards that are not based on the research by the EPA/DNR in establishing their standards. At the meeting, Al Larson briefly discussed the Montgomery proposals for additional study on the manganese assessment. Joe stated that Ken Bradbury provided an update on the publication status of the previous virus study and the additional virus research being conducted at Madison municipal wells.

4. July Staffing Report.

Dave said we have requested to fill one leadworker position and evaluate the other one. The Water Supply Engineer recruitment is continuing. We are in the process of rewriting that position as more of a water supply position since we have not found any good candidates for a Water Supply Engineer.

Dave said that Larry Oakes and Human Resources prepared position draft descriptions for two new Water Utility positions based on information he supplied to them. These are very much draft documents and if you have comments, he'd would pass them on to HR. The positions are Water Public Information Officer 1 and Water Public Information Officer 2. Officer 1 would report to Officer 2. Dave said they are both public information positions. Dave would recommend the Officer 1 position be something that reflects water conservation. The Officer 2 position is for professional communications and public relations work in planning, coordinating, implementing and supervising a comprehensive communications program for Madison Water Utility. George said in terms of the skills, besides dealing with the media, which is very important obviously, it talks about ability to communicate orally. George said interpersonal skills in working with the public should be explicate. Jon said add a couple more sentences in that area of ability to communicate? George said interpersonal relations with individuals besides the technical skills of dealing with the media; inter-personal skills in working with the public should be part of the Officer 2 position. Percy Mather said she thinks we're seeing an existing position split in two, creating two vacancies. She thinks the description of the positions work duties should be adjusted because it creates a tough position for certain individuals. Dave said he has discussed this with City Human Resources and their policy is essentially that the position being used to convert to this position is very different from what we're going for and that they need to deal with it in that manner. Dave said it's the position description that drives it as opposed to just changing the duties of an existing position. Jon asked if the board voted to create the Information Officer 2 position and is that separate from this discussion, asking it is a new position. Dave said we're taking two existing positions, the Finance Manager (Jim Kelly's old position) and the Administrative Services Manager position. Jon said so we really didn't create a new position? Dave said we'll be changing those two positions to these two positions. Jon asked what happens if I'm the person who has to compete for my old job and I don't get it? Dave said the best-qualified person gets the position. However, there is a City system for an employee who is taken out of their position that they have bumping rights into positions they meet minimum qualifications for.

5. Operations Report.

6. Engineering Report.

Percy asked if this was the first discussion about the resolution for siting a well in Elver Park. Al said we've been discussing this for almost a year. He said we need a hill in that part of town, Raymond Road/Elver Park, so we started looking in that area. They talked to Channel 3 but they are not interested in selling any

property. They talked to property owners across from ChAnneel 3, and they are willing to sell but at a very inflated price. We talked to Parks about land behind the fire station on McKenna, and another property is a church across from ChAnneel 3. Al said we've talked with the alder and had a presentation before the Parks Board. Jon asked if they'd talked to the neighborhood association and Al said no, there is nothing to report to them yet. Jon said he should let the neighborhood know about the fact that he's looking and what he's looking for.

7. Customer Service Report.

George asked what E-Care is. Ken Key said it's the program that allows customers to view their accounts online as far as billing, consumption and payment information.

FINANCIAL REPORTS

8. Fund Balance Report.

9. Capital Project Report.

10. PSC Rate Case

Robin Piper reported that we applied to the PSC for a 15% rate increase and they gave us 16%.

11. Operating Budget Submittal.

Robin reported an increase of 2.3 positions this year from last year, and he put in 4 supplement requests for 6 positions in the 2008 operating budget. Percy said she understands you are proposing to add 6 staff total. Dave said that doesn't include the 2 new positions we just discussed. Lauren said \$220,000 in 2007 for unidirectional flushing is increasing to \$400,000 in 2008 and asked if it will always cost that much. Robin said no, but with the initial unidirectional flushing, we had five crews operating and administrative time to set up flushing maps and runs. The start up costs are high. Once we've flushed the entire city, some areas won't have to be flushed every year. Lauren asked if we'd see an average at the end of the season. Robin said maybe. Al said several people are developing individual maps of the flushing areas, 3500 different maps that will be done by the end of September. Once those are done, we won't have to recreate them, just make modifications.

12. 2006 Financial Audit.

Percy said there is a need for more internal control. Robin said we should be able to improve on that. He said 99% of the management letters are going out with these three bullet points because of new standards. Percy asked what steps will be taken to improve this. Robin said the auditors, Virchow-Krause, are putting together a form for us; the comptroller's office will deal with this also. He said the auditors are still going over new regulations and coming up with guidelines for clients and SOPs for procedures for financial handling. Jon asked if they plan to get the SOPs together by the end of 2007 and Robin replied yes.

Greg Harrington made a motion to accept all informational reports. George Meyer seconded; unanimously passed.

ADMINISTRATION REPORT

13. Update on Mayor's 10-point Water Quality Initiative and Water Utility Standards.

Dave Denig-Chakroff reported that 22 Wellhead Protection Plans would be completed by the end of 2008. All wells will have plans by the end of 2010. The Utility is accelerating replacement of old infrastructure. Dave said we want to add an assistant for Joe Grande to help with water quality inquiries. Public outreach is being improved, and internal communications are being worked on by a design team.

Jon asked Dave if he ever gets feedback from the Mayor's Office saying this is what they are looking for, etc. Dave said no, that they are seeing the report on a monthly basis so if they had a problem with it. He assumes they'd let him know. George said the Mayor sets out some excellent initiatives for the agency, and there are objectives beyond the Mayor's 10 Point Initiative. He said he wasn't here when Dave's last performance evaluation was done. This puts into issue certain initiatives that are to improve the operation of the Utility and also how our groundwater is managed. George said we're having problems with internal communication and there's not a reporting on where the problems occur. He asked if this is to be addressed under Dave's evaluation or is it separate from this. He asked what the results are of improving public outreach and education and we should know results, not the activates. There is nothing that talks about how it is working.

Lauren said there is no format for it, and asked Dave to change the narrative to reflect those things. Percy said to roll that into the next month's meeting. George said he would like a copy of Dave's last performance evaluation to see areas of improvement, etc. Percy said the previous document used for evaluation was very general, much less specific than the Mayor's 10-point plan.

NEW BUSINESS ITEMS

14. [07286](#) Authorizing the Water Utility General Manager to certify water and sewer bills, assessments and charges to the 2007 tax rolls of other governmental units for delinquent accounts in those jurisdictions.
- Lauren Cnare made a motion to approve the resolution. Greg Harrington seconded; unanimously passed.
15. [07287](#) Authorizing the Mayor and the City Clerk to execute Amendment No. 1 to the Professional Services Agreement with Montgomery Associates Resource Solutions, LLC for the completion of Phase 2 of the site selection, public participation program, and a DNR approved well siting study for a replacement well for the Utility's existing Well 3 (2nd, 6th and 15th AD).
- Percy said this resolution is for the replacement well for Well 3. Rob Montgomery and Steve Gaffield of Montgomery Associates made a presentation. Also present from Montgomery were Nancy Zolidis who has been working on the Well 29 project, and Anne Forbes who has been a big help in the communication issue with the Well 3 project. Rob said they are doing aquifer master plAnneing--what happens on the surface can affect our water supply. Increasing demand for water is affecting the regional water balance. We need to manage the water supply from the aquifer perspective as well as the infrastructure perspective. Rob said only in this part of the state, Madison and Dane County, is the use of groundwater having an effect on the regional water balance. He said the Madison Metropolitan

Sewerage District has recognized this situation in master plAnneing for their facilities. The modeling we're doing could be used to look at those issues. Rob said the conducted work at Well 29 and as part of that, they did sampling at Wells 12 and 30. He said they've been doing testing on the west side at the Larkin well to determine if there is going to be acceptable water quality and what the hydraulic capacity of that well will be.

Their Phase 2 manganese study does detailed groundwater sampling at several wells with a matrix of conditions. With the Well 29 study, they've taken a more detailed look at monitoring wells during a pumping test and groundwater modeling. Rob said they are starting to assemble the pieces for Madison Water Utility to manage the aquifer.

Steve Gaffield said that looking for a replacement location for Well 3 has been a team effort. They've been getting a working group formed that is a combination of neighborhood associations and three alders representing our search area. A newsletter came out of this. There has not yet been a public meeting devoted to this project. Screening level work is taking place for possibilities for sites and identifying what issues should be looked at. He pointed out known landfill sites with a 1200 foot buffer around them. They've been working with Ken Bradbury at the State Survey, and he has provided a summary of data on the Eau Claire shale and we've translated that into maps. Steve said they've had technical discussions with DNR reviewers regarding NR 811 setback criteria. DNR prefers we use these setbacks as a minimum. The maps show a detailed investigation of the east isthmus area. He said it's important to have shale at the site as it separates the deep and shallow aquifers and gives some protection from contaminants. An ideal location would be that it meets the NR811 criteria, has Eau Claire shale present, isn't right next to an existing well and there's an available piece of land the city could purchase or get access to that is acceptable to the neighborhood. Performance and cost issues should be considered. Steve said there are some areas on the east isthmus that meet this criteria. The City could pursue getting a variance from the NR811 setbacks. Another option would be to expand the search area to the north or more likely to the east.

The original proposal in March was for \$83,000, and it was revised to Phase 1 at \$50,000. Phase 1 work is complete at the budget limit. Phase 2 is the remainder of the \$118,000. The main reason for the increase is the public participation process that has grown and created more costs. To continue the process will be a significant investment. Phase 2 includes additional water quality sampling, water quality information and contaminate levels in the deep aquifer. There will be additional well site analysis, refining the mapping work, infrastructure analysis as to how they'd tie into existing system, and implications for performance and cost. One-half of the budget is for detailed looks at land use. Also included are groundwater modeling, analysis, DNR approval, other alternatives and public participation; this will go into 2008.

Greg asked if they will give a list of possible sites in ranked order. Steve said yes, there would be 2 to 5 sites to look at in detail. George asked if they will exhaust their options first before looking at one with a variance needed. Steve said that makes sense, that it is a policy decision.

Jon said so out of the \$118,000, \$50,000 is going to go for the public participation process. He has often talked about getting people with skills internally, rather than hiring things out. He said the Information Officer 2 would have the same skills as Anne Forbes, that she could apply for that job in fact. Assuming we're going to have a person in place for this, could we subtract that \$50,000 and expect that person to do that portion? Steve said yes, depending on the person and when that person is online. Steve said he agrees that transferring more responsibility to the Utility should be the long term goal. He understands

the person would be online after this project is wrapped up. He said we're seeing some of that transfer already. Al said even if we had someone like that, Montgomery would still have to be involved, so you can't subtract the total \$50,000, but we could reduce that amount. Jon asked how much of the \$50,000 is for Anne Forbes and how much is for the rest of the group. Steve said 1/3 to 1/2 is for Anne for facility design, preparations, and advising the Water Utility. Jon said this wasn't any reflection on Anne's ability, that it has been wonderful. Anne has made the point that there should be technology transfer, and that is part of what she does, trains organizations. Dave said we have \$40,000 to carry us through to the end of the year and asked if that is enough to carry them through the year. Steve said it would keep the project moving, that the goal for getting this online is 2012. Lauren Cnare said that Steve said the public meetings were solely for this project and asked if that is correct. Steve said we've piggy-backed on other public meetings. Lauren said for that \$50,000, she hopes we get a lot of bang for the buck.

Alder Satya Rhodes-Conway said she is concerned with the amount being spent on public participation and she would like an accounting of how the first phase was spent. As a participant in this working group, it has been very interesting and for the most part, useful. She said there are three alders involved and part of the job is to run the meetings as a money saving aspect of this. She said many people have put in a lot of time and have various skills and are competent in running meetings themselves. She said to not ignore the resource of the working group for public participation. Lauren asked what the East Isthmus Planning Council is doing with this project. She said a lot of the same people are involved in the different groups. Satya said we may need to bring in another whole set of people and get them up to speed on this because there may not be a site found in her district or the near east isthmus. She doesn't think its possible to go forward with this without Montgomery's participation because they bring the technical information we need to translate to the public. George asked Dave and Al if there is time to look at an alternative ways of public involvement. He said we want to be able to drill a test well in 2008. George asked if we could take a month and see what community resources are available. Al said we can take several months if that is what the Board wants to do. As long as we're done or have a conclusion by May or June 2008, we'll still have the ability to drill a test well next year.

Al said the goal is to have a well in operation in 2012. The well would have to be drilled in 2009 so between now and spring is the time frame we have. If we finish Phase 2, we could drill a test well in 2008. Lauren said given that it will be so complex, it says you've budgeted more dollars for public participation. Lauren asked if it doesn't make sense to proceed with the technical aspects. Steve said point well taken. Steve says he worries about losing momentum. He wouldn't want to see it totally derailed. Lauren said seven meetings divided by \$50,000. Steve said in the proposal there is a range of \$40,000 to \$50,000. The \$50,000 assumes the expansion of the process. It would mean slowing down working with the current work group.

Jon said public involvement is very important and the Utility needs to own great communication skills. We need to get those skills in the Utility. We need to own it as a Utility and not keep hiring it out to the outside. Faye said we do value and need someone from Montgomery working with the organization, that many of them have been facilitators, mediators, functioning well as a group. George asked if the working group, working with the Water Utility and Montgomery, would come back to the next meeting or two with a public outreach plan. Satya said she thinks the working group and Montgomery can come up with a plan. Anne Forbes said she cautions that this is still an issue of leadership and

day-to-day communication. She thinks Montgomery has done a good job. Lauren said one thing requested, with an eye to the budget, is to see if we can find a better way to use the community and staff. Jon said in communication, you have real participation with community people helping make decisions. He'd like a clear statement saying that we use Anne Forbes skills.

George said he moves that Water Utility staff work with Montgomery and Anne Forbes, alders and community leaders to see if there is an alternative to siting Well 3, using more of the community-based resources to reduce costs of this contract. He said before we vote on \$118,000, see if we can save dollars by using more community-based resources. Al said if we get it back for consideration at the next board meeting, we will be on time.

Anne Forbes said she likes some of what she is hearing. She has a couple of cautions: one is there is still the issue of leadership and day-to-day coordination. The Montgomery group has done a good job. One thing that would be challenging for a large reduction in Montgomery's participation is finding someone in the community or the Water Utility. She has picked up a lot of loose ends to keep things moving forward, and it's not a small amount of time or skill. The other piece that people forget about a lot is oh, we're going to have a public meeting and we're going to do it in two weeks. The translation of the technical information into content and process that allows ordinary community people to come to the table and really feel like they know the issue is not a simple process. She said she enjoys coaching people on this. People think a lot of times it's just the process of holding a meeting but it's not that simple.

Lauren said the accounting of what has been spent so far will help us make a decision on this. Anne said she'd welcome ideas on how we can work with community groups better, and she knows the Utility is short on staff. Jon said we're looking for people to be part of the process and aide in making decisions. Jon said he'd like a clear statement that we use Anne Forbes skills in transferring some of this to the Utility, particularly our new communications person.

George said he would move that Water Utility staff work with Montgomery and Anne Forbes and the Alders and community leaders to see if there's an alternative method of conducting the public outreach for siting Well 3, using more of the community-based resources as a model for future endeavors and to reduce the cost of this contract.

George said \$40,000 could be authorized with a budget amendment before we vote on the \$118,000. Al said if we could break out the technical portion and apply \$40,000 toward that work, it would help us schedule-wise as well. Jon said what you're proposing is that they rewrite this resolution and bring it back next month. George said an alternative to the current proposal but using more community-based resources. He thinks it's important to lay out how it gets done. Percy said this would be done with existing staff. Greg asked if it would be reasonable to authorize the \$40,000 tonight so the technical work can get going and revisit the rest of it next month. Al said if we could break out the technical portion and apply the \$40,000 we have available in the 2007 budget; he thinks that would help us out. That would help us schedule-wise and then we could fall back and ask how we can improve the public participation part of it.

Dave asked Robin where the money is coming from. Robin said we didn't know last year that we'd be doing Well 3. Yearly we budget \$180,000 for maintenance of three wells but we've only done one this year, so we have monies available in the maintenance of wells in the budget.

Lauren said we need to reword the resolution to the effect of doing some portion of the technical work and pursue it with a consultant and working group, reducing the cost of public participation for future work. Dave said we'd need to go to the Council to spend more than \$40,000, and he thinks we should specify

where the money will come from, the money that was budgeted for well maintenance.

Sayta said what has worked well with this working group is the back and forth between the technical side and the community side. She said if you're going to keep working on the technical and the working group doesn't get any information until January, she thinks that would harm the process. She thinks it's possible for them to receive the information without lengthy meetings with Montgomery staff at each of them. She said you might specify that the bulk of that is for the technical but \$5,000 would be for the working group updates and the next phase of the contract. Anne said this working group is an incredible way of doing work and said this communication has to be broader than the working group. We need to look at all the interested and effected people in the community-when do they need, how do they need it, etc. There should be more layers of people other than the utility, Montgomery and the working group. It won't necessarily be expensive but needs to be planned for at the outset. Faye said we want a lot of information, what is happening with the Eau Claire shale, with ground contamination and if the technical work goes on ahead we'll lose that ability to question and find out information. Faye said she doesn't want to go back to her neighborhood association to say I can't find out what's happening until January.

Discussion was held on approving \$40,000 now for the technical work and bringing the remainder back to the board in October or November. Jon said October's meeting. Lauren said Dave should work on reducing the amount for public participation. Greg said \$35,000 for technical and \$5,000 for public participation. Jon asked George if when this is done, he's suggesting we might spend \$25,000 less than the \$118,000. George said yes, somewhere around that. Jon said he'd be comfortable supporting the whole thing if there was a provision in there for some training capacity for the Water Utility. Otherwise, he thinks \$40,000 with enough money in it to produce one more public meeting and reconsideration of the rest so we get more detail. Lauren said the communication of this is important to us and we may need to consider hiring Anne back to give some guidance on the issue. There will be knowledge transfer and she suggested having Steve and Anne write down a process. Dave said regarding the communication specialist, we probably won't get the position approved until October and he doubts that person would be on board before the end of the year, assuming things go like clockwork and you find good candidates.

George suggested having an amount of less than \$118,000 and use community-based resources to offset some of the public involvement. Then we could approve a \$108,000 contract with the idea that we still want a robust public involvement program, offsetting some of the paid public involvement. Greg said he's ready to approve the \$118,000 because he knows that we can succeed with that. The proposal to cut \$20,000 to \$25,000 out of it to come up with a cheaper version of doing the public participation thing, he's in support of the concept of trying that, but he's not ready to vote in favor of that until he sees a written plan saying what's going to happen. Greg said he wouldn't be in favor of it at this point. Percy said she's concerned with squeezing \$10,000 here and there, that if it costs \$118,000, that is the cost of doing business to provide high quality water.

Lauren said it was suggested by City Attorney May that we add a couple of "whereas's". It was decided to approve the resolution with the amendment by adding two paragraphs to the resolution as follows:

Be it further resolved, that up to \$40,000 may be spent in 2007 for technical work and public participation for Phase 2; and

Be it further resolved, that a revised scope of work for the balance of Phase 2 be presented to the Water Utility Board promptly, and a further amendment to the agreement be prepared for approval for the balance of Phase 2.

Lauren Cnare made a motion to approve the resolution with the changes. George Meyer seconded; unanimously passed.

16. [07288](#)

Authorizing the Mayor and the City Clerk to execute Amendment No. 1 to the Professional Services Agreement with Montgomery Associates Resource Solutions LLC for the completion of an extended period pumping test of Well 29 in conjunction with the study of Manganese in Water Supply Wells and Identification of Alternatives (2nd, 6th and 15th AD).

Nancy Zolidis, Senior Hydrogeologist with Montgomery Associates discussed the pumping test proposal for Well 29 covered in this resolution. This proposal came out of an assessment done at Well 29 for manganese. Another part of this is to come up with a recommendation for the Sycamore Landfill which is fairly close to Well 29. Later the Water Utility asked us to do a proposal for an extended pumping test. We did a very short test when the pilot study for the manganese treatment was being done in January and February. We instrumented two wells at the Sycamore Landfill to look at water levels in both of those wells. Testing indicated that there were drawdowns at the landfill wells that were consistent with the presence of Eau Claire shale. It showed the presence of that shale is probably limiting the drawdowns at the landfill from pumping the deeper aquifer. Montgomery would like to collect more data with a long-term pumping test. The proposal would be to review the data at Sycamore Landfill and to conduct the pumping tests. The contaminants at the landfill are in the shallow aquifer. Well 29 is pumping from the deeper aquifer. With modeling, we would simulate future conditions. Nancy said the communications part of this is for the Water Utility staff and a couple of Water Board meetings. There is cost for the instrumentation, various data processors that would be installed at the landfill, and our total proposed budget is \$23,400. She described the project objectives, proposed scope of work, fees, and schedule for the project of extended pumping period for Well 29 pump testing proposal. Montgomery would conduct a 21-day high capacity pump test of the deep well at Well 29. There would actually be five weeks of monitoring at five or six wells with the data loggers, and then we would manually monitor a few other wells. They would compare the observed drawdowns to the model drawdowns, and determine whether the model is still valid. The data from this study will allow the Utility to manage and potentially monitor the movement of contaminants, if they exist, from the Sycamore landfill toward the well. Nancy said the process would be approximately three months from start to finish.

George Meyer made a motion to approve the resolution. Greg Harrington seconded; unanimously passed.

CORRESPONDENCE AND SPECIAL INTEREST ITEMS

17. Discussion of draft resolution No. 07290 for continued assessment of manganese in city wells.

AI said this is a draft resolution, that there is no money in the 2007 budget for this. AI brought it before the board so if they choose; they can amend the 2007 budget and proceed with this. It is for the continuation and expansion of the well sampling and analysis in Madison wells. Montgomery would continue the work of investigation of the sources and causes of elevated iron and manganese in Madison wells. This will aide the Utility in siting future high-capacity wells. The estimated cost of the study is \$110,400. Funds are not available in the 2007 budget. To start this study this fall would require a budget amendment. George asked why now and AI said with Montgomery working on it, they wanted to give

the board the whole picture. Al said this will help in giving us information on how to site wells in a more scientific way. Robin said it is included in the 2008 budget for further study of the issue. Jon asked Rob Montgomery if this can wait until 2008, and Rob said it could. Al said we're going through design right now, construction in 2008 and in operation in 2009. All were in agreement that it should wait until 2008.

18. 2007 DNR Annual Inspection Report
19. Discussion of the impacts of changes to 13.01, 13.02 and 13.03 of the Madison General Ordinances to restructure the Board of Water Commissioners in compliance with state statutes and to add two additional voting members.

These changes were adopted at the Common Council meeting of August 7. Percy said this changes the way we operate in terms of evaluating the General Managers. Bringing new board members online will probably take place in September or later. It was noted that September may be Priscilla (Percy) Mather's last meeting.

Attorney May noted that for future agendas, the title will be "Water Utility Board," not Board of Water Commissioners as previously named. Members will be called members, not commissioners. The board will go from 6 to 8 members, so two members will be added to the board, one being an alder, and a third will be added to fill Percy's vacant position. Lauren said we need to get the word out that we are looking for new board members.

Attorney May said he doesn't think it will change significantly how the board operates. The major changes will be for the staff and the process for approval of contracts. The City has an ordinance and procedure for this. In the past the Water Utility would sometimes do it that way or sometimes their own way. The Water Utility will now do them the same way as they are done throughout the city. A group of staff called the Contract Group meets quarterly. They do everything from revise the standard contract to purchases and supplies to discussion on whether ordinances should be changed, etc. At their last meeting, they had Dave, Al and Robin attend and it was devoted to working through what the standard procedures are and to cover some of the problems we've encountered in the last few months. There is another procedure for a contract where you go through the Comptroller's Office.

Attorney May said another major change is making it clear that employees of the Water Utility are just like other city employees. With regard to the General Manager, provisions in the contract should track things to do with discipline etc. and we tried to clear all of those up in terms of what those procedures are and how they would be applied in the future. Attorney May said they primarily tried mimicking the way you've been operating in the past and continue with that, but put it on this more solid legal footing so there aren't issues about where the jurisdiction lay with respect to Mayor, Common Council and Water Utility Board. Attorney May said he can send board members the contract approval process if they would like.

Greg mentioned that you'll have seven members and five year appointments. With Percy's departure, Greg said you'll have three coming on board at the same time, and asked if he'd thought about having one of them do a four-year term so they're not all due at once. Attorney May said terms should be staggered so you hopefully never have more than two terms expiring in a year. Lauren asked about the issue where they couldn't call each other up to discuss anything because of the negative quorum and asked Attorney May to give an explanation on that. He said a negative quorum is an interesting concept. The general concept is a sufficient number of bodies that they can determine the

outcome, but assume you have a matter that requires a two-thirds vote; then the outcome would be determined by one-third body plus one. The state Supreme Court has said if you get that number together and they discuss a matter that is going to be coming up, outside of a posted meeting, it violates the open meeting law. Then there is what he calls the problem of the floating negative quorum. That is until you actually walk into the meeting of the body, you don't know what constituted a negative quorum in the month before that for anything on the agenda. He said with this group, five members and a quorum is three, so to have a meeting, you have to have three people here. Normally you would think if all five of you were here and two of you talked about something, you wouldn't have to worry about it because it's not a negative quorum. It takes three people to control anything. What happens if you walk into a meeting and there are only four of you there and two of you have talked about it? Those two can either stop or force something to happen, or primarily stop something from happening. When you move it from five to seven, you reduce the possibility of ever violating that negative quorum but you don't totally eliminate it. But if you had four people at the meeting, two people could possibly have violated that. He said adding an additional member does make it less likely that you'll run into a problem with the negative quorum. George said if there's four and he and Lauren discussed something before the meeting, it means we can't vote until we have five members. Attorney May said yes, or you could ask that the matter be deferred to another meeting. Jon said it doesn't mean preemptively that we can't talk because there might only be four members, and Attorney May said that is right.

George was reading that the general manager shall be subject to the supervision of the Mayor and the Water Utility Board as set forth in their employment contract. He said we've been discussing doing a performance evaluation. We know the Mayor obviously has that authority also. George said he's assuming there should be some coordination or limits on what happens as a result of setting objectives as a result of things that would come up on an evaluation. He said there is still that lack of clarity in his mind. Attorney May said there is a lack of clarity because the contract and the way you've operated assumes some sort of joint operation between this board and the Mayor's Office on a number of those issues. In some areas, this clearly clarifies it in terms of hiring is done by the Mayor in concurrence of the Water Board and further subject to the approval of the Common Council. As far as the performance evaluation, he thinks the Mayor and/or the Water Board can engage it. There should be communication between the two. Jon brought up the statement that the Board shall issue an Annual report available to the Common Council and he doesn't recall ever doing that. Attorney May said it's been in the ordinance and he didn't change that. Lauren said we have the Water Quality Report and the other big one, the PSC report. She asked what was originally meant by that and Attorney May said he didn't know the original intent. If he were her and wanted the report to the Public Service Commission to be your Annual report to the Council, he would call it that and submit it to them. If the Council wanted something different, they could let you know. Dave said it is listed in the Information Officers job description, that they work on an Annual report. Jon thanked Attorney May for all of the extra information he provided.

Percy said she's been trying to put together thoughts and suggestions for the new board members based on things she's learned. If any of the board has suggestions, she like to hear them. Janet said the quickest we could get new members on board is that we'd have to get names into our system by tomorrow, August 29, in order for those names to be introduced at that first Council meeting in September which is the 4th. Then it's referred to the next Council meeting in September, so even if we fast track this, we'd have to have the names in by

August 29, and they would be adopted by the Council on September 18. They would not be named in time for the September Water Board meeting but in time for the October board meeting. At the Mayor's request, Janet sent around an email to board members, staff and others asking for recommendations. If anyone has suggestions, please get them to Janet soon so they can discuss them with the Mayor, get them confirmed and into the system.

20. Discussion of procedures and timing for the coordination of the Utility General Manager's performance evaluation.

Percy distributed a review form from 2004 that could be used for Dave's evaluation. The last one was done in 2005 and this is the same format. Dave is to submit a list of his accomplishments since his last review. George said he'd like that in advance of the meeting, and he'd like a copy of Dave's last evaluation. Jon suggested they look at the Mayor's 10-point Plan also. The board will discuss the evaluation with and without him, then the board president would write it up and present to Dave for his signature, and it would then go the Common Council. This review will be in closed session. It was decided to hold a special meeting on September 25 at 5:00 p.m. for the evaluation.

21. Discussion of Water Conservation meeting of July 19.

George said the July meeting was excellent, that there's a lot of excitement in the community about water conservation. Joe Creswell reported on the meeting, saying it was well attended. A lot of people were interested in switching from a declining block rate structure to an inclining block rate structure for conservation, and listing billing amounts in gallons rather than ccf, possibly listing it in gallons per day and comparing the usage to the same time last year. He said there was a lot of talk about people being interested in seeing developers paying the cost of new water infrastructure, having developers fund conservation to reduce water consumption, and possibly industry specific water conservation standards. Some of the top ten water users in the city are hospitals and health care industry. People mentioned specific standards for that. There was a lot of praise for the better lawns and gutters tour, rain gardens, using gray water for landscaping, possibly making use of the water that is used in the water main flushing. It was mentioned that millions of gallons of water are being sent into the storm sewer when flushing occurs and that could be made better use of, in theory.

Joe said the meeting was divided in two halves, one being conservation and the second half was about policies to do with infiltration and look at long term aquifer health. It was mentioned that increasing infiltration has some surface water benefits. We don't have any policy for promoting infiltration in areas with soils that infiltrate well, and a lot of people said they'd like to see that. There was a lot of talk about alternate side watering, saying the Utility has encouraged people in Madison to do that, and people would like that to become policy as it has been done in various places around Wisconsin. Jon said he attended this meeting and it had a very positive feel to it, that there's a lot of positive energy in the community toward this and it's an opportunity for the Water Utility to get behind this and help coordinate the community involvement and do something fun and positive. Joe Creswell said there is a lot of energy and excitement and a lot of people wanting something to come out of this.

Percy mentioned that the Water Utility has supported rain barrels. George said there's a lot of enthusiasm internally by employees, and he asked the conservation committee to come up with a better water bill to help educate, conversion to gallons, what the average use is for four people, etc. It was

mentioned that Madison Metropolitan Sewerage District is also in ccf's. Ken Key said they have started a statement on the bill that gives the conversion factor, ccf to gallons. There is now a pie chart on the bill that shows what portion of their bill is water usage, and that could be expanded on. Ken said he has to talk with their software people as it's a complicated matter in converting ccf's to gallons. Ken said they could do more bill stuffers. He said they're looking at low flow showerheads. Lauren said MGE's bill allows you to do averaging, etc.

Joe Grande said we are moving ahead with this and the last meeting of the design team came up with a lot of good ideas and are developing a plan. There was good feedback on things that Waukesha has seen happen with their conservation program. The design team is meeting every other Monday.

22. Report on Well 28 fluoride incident/response.

Dave said a rounder took a normal sample on August 14 and it was found to be 3.3 ppm. The normal level of fluoride we like to see is 1.1 ppm. The mcl level is 4.0. Dave said there was an excellent response to this and the unit well was shut down immediately. He talked with the health department and the alders for that area. Sampling was started around the distribution system. By the time we got out to the unit well, it was back down to normal. The system was flushed to get the levels back down to our normal 1 ppm. In the course of flushing, we did cause low pressures and discolored water to customers, all of the things a flushing operation can produce.

Joe Grande said that water from Well 28 had an elevated amount of fluoride, a water additive that promotes dental health. A water sample taken where water enters the distribution system measured 3.3 parts per million (ppm) of fluoride compared to the target level of 1.1 ppm. The EPA maximum contaminant level is 4 ppm. Short-term exposure to these levels is not considered harmful to human health. It is believed that a malfunctioning pump caused this to occur and it is being investigated. Joe said he was in contact with the John Hausbeck of the Health Department, who got in touch with Dr. Schlenker.

Dave said once the flushing program was underway, we put a notice on our list serve. There was a good debriefing of all involved in the incident. An SOP for fluoride will be established. Joe praised staff for their response to this, saying the rounder called the operator immediately and said to unplug the pump. He came in to test the water, and we assessed how extensive the problem was by looking at our modeling. Maintenance workers and flushing crews were dispatched. It was all handled professionally. The flushing continued for hours into the night. There was good communication among staff. The information wasn't ready to go out to the public until more information was collected on the incident.

Joe said no notice went out to our water quality list serve. He said he was out in the field until 10 p.m. and he thought other people were covering the media information and that didn't happen. Joe said when he put a staff update out, it was in response to our communication meeting that met that morning. He hears from staff that they do not like to hear about things through the newspaper, so Joe made a decision to send this information update to staff first and he copied the board on it. On Thursday, Dave thought we should send out a water quality update that included normal information that would also be on there. On Friday a water quality update went out to the media and that is where he was subject to criticism in terms of the way the communication unfolded. When this update went out, the problem had been resolved. He doesn't agree that this should have gone out to the public immediately because the crisis had already been resolved and now it was an after the fact notification. The public notification happened 36 hours later when he sent it out Friday morning.

Dave said there was a problem with the number of calls coming in, and when they couldn't get a phone answered, they called other numbers such as billing and his assistant, and we have to learn better ways of handling this and have a process in place for it. We need to have a consistent message going out to the public. Jon said he doesn't understand why the Announcement wasn't made until Friday when the incident occurred on Tuesday. Joe said he thought the appropriate time was 1 p.m. on Tuesday. At that time, he was in the field trying to assess the extent of the fluoride. When he went to the field, his understanding was there were assignments. Some people were going to assess the situation in the field, some people were going to coordinate the flushing and some the communication. He said communication was not his role at that point.

Dave said we can learn from this and figure out what went wrong and what could have been done better. It's important to find out what is going on and get it corrected. These incidents evolve and it's easy to come in later and say we should have done this, we should have done that, but when the incident is evolving, you've got to make decisions based on the information you have at the time. At the time, we were trying to assess what the level of fluoride in the system was. Dave said you have to be careful of putting out information before having all the facts. As we got more information, it was apparent it wasn't a health concern. There is the risk of making things much worse if the information isn't accurate. The Health Department said it was not a health concern. Joe said at 3:45 our website was updated and explained there was excessive flushing going on on the far west side. He thinks a press release should have been done at that time. George asked if this is in a communication plan. Dave said it is and we need to review it. George asked if there is a gap in the plan and stated that you have to triage and your first call is not a public call, unless it's evacuation, and noted that a letter three days later regarding the incident caused the story. The communication should have been done the next day for sure. Dave said he is in charge of communication. Lauren said media people should be informed of the situation and told they will be called back when the situation is clearer. Kathy Cryan said operationally, our people did a dynamite job, that they responded quickly. They put in a lot of hours and had a good attitude, were good with the customers, giving updates in the streets. Kathy said she and Joe left the building shortly after noon and got back to the office after 10 that night. She said when they left the office, she was under the impression that everything was under control. She and Joe were assessing area of impact, other people were coordinating hydrant flushing, and other people were coordinating communication. She said the article that came out was an inaccurate assessment of the situation and inaccurate in where it placed blame. She feels bad that Joe was put in that situation, saying he can't do everything at once. Lauren asked Joe who was in charge of communication. Dave said he was. He was contacting the Mayor's Office, the Health Department and Doug DeMaster took care of the flushing list serve. Lauren said she thinks a list of media people should be kept easily assessable and all you have to do is say what the situation is and that you'll get back to them with more information. Jon asked what the highest sample for fluoride was, and Joe said it was over range which says it was over 4. It came from a hydrant on a dead-end and the water was rust color. We immediately took another sample that tested at 0.5. That was the only sample that tested over-range and that was the hydrant with rusty water. Jon asked what the rounder found as to amount of fluoride. Kathy said she thinks it was in the 3.3 range.

It was noted that www.Madison.com runs 24 hours a day, and that anyone at the State Journal or Cap Times would be able to put the information on the website. The information can be put on the website within a half hour or 45

minutes, and almost anyone at the newspaper would be willing to put this on the website, saying there is an incident but it is being worked on.

George said despite the communication issue, we truly appreciate what the staff did that day, that it was excellent work in controlling the situation and dealing with it. He would like the board's thank you to be relayed to the whole staff. Greg said he agrees but we still have to get an SOP in place. He thinks the numbers you got from the highly turbulent wells were probably nonsense and it was probably less than what it showed you had. He said you were never above 4 and that is the maximum contaminant level. He thinks it's very possible you spent a lot of time and effort doing something you didn't need to do. Dave said one of the conclusions for the SOP might be that yes, we'll go out and flush it but not as aggressively as we did in this incident. The Health Department wasn't concerned about the levels. Dave said we also talked to Tom Stunkard at the DNR about it. He said if you exceeded 4 at the well house, they wouldn't be concerned about it. We need to look at that for the SOP. Dave thinks we did the right thing by going out into the service area to find out what it was. Jon said at the June meeting we asked for an SOP for fluoride and we need to get one in place. Now that we've had an event, we don't want that to happen again without having an SOP in place. Greg said there's why we have operators on staff 24 hours a day and we have to recognize that equipment fails from time to time.

23. Presentation of the ATSDR Manganese Study that was commissioned by the Mayor and the County Exec.

ATSDR (Agency for Toxic Substances and Disease Registry) Manager Dr. Henry Nehls-Lowe with the Department of Health and Family Services, Division of Environmental and Occupational Health. He said he was here to discuss a report that will be out in 30 days for comment. A year ago, the Mayor and the Dane County Executive requested assistance to evaluate the human health implications of manganese in drinking water. The Agency for Toxic Disease and Substances is under the Center for Disease Control in Atlanta, GA. They look at all sorts of environmental contamination issues and the implications of human exposure. In Wisconsin, there is a cooperative agreement with the State of WI and ATSDR where the Dept of Health and Family Services works with ATSDR to prepare these reports. He examined 2006 tap data from Madison Water Utility and the Dane County Health Department and reviewed available toxicological data. 2,075 water samples for 1,113 properties in Madison were tested where it looked at manganese levels at the tap. He also received data where MWU was responding to customer concerns. In 2006, there were 17 properties with a one time incident that had manganese levels at or above 300 micrograms per liter, which is the EPA lifetime health advisory. What he saw in almost every case was if there was an exceedance of manganese, it appeared to be a single event.

Greg Harrington said the EPA is to review their maximum contaminant levels once every five years. In June of 2002, the EPA published a determination for nine contaminants, one being manganese. They decided at that time that manganese did not require regulatory action. Joe Grande said they did later issue a lifetime health advisory level.

Dr. Nehls-Lowe said the health effects of manganese show that too much causes toxicity, but manganese is important in the formation of bones. Occupational inhalation exposures can cause neurological adverse effects. EPA drinking water guidelines has no maximum contaminate level (MCL), and there is no Wisconsin standard. EPA says 50 micro liters with 300 micrograms per liter for a lifetime. Young children are more effected than adults.

The conclusion is that they didn't find anything likely to cause health effects. The recommendation is to not drink discolored water and monitor when flushing

the mains. Jon Standridge asked if someone drinking 3 micrograms per day would have adverse effects. Henry answered no. Lauren Cnare said the standards appear to be somewhat unregulated, that there should be more standards. Henry said he doesn't know if EPA will set standards. Jon asked if Madison Water Utility should set their own standards. Henry said that is a policy issue, that his agency could provide technical advice on it.

He said the report will be out for a 30-day public comment period of time, and we will put notice in the paper and will be communicating with the Water Utility and the City of Madison.

24. NEXT MEETING DATE

It was noted that Water Board meeting will begin at 4:00 p.m.

ADJOURNMENT

At 8:38 p.m., Jon Standridge made a motion to adjourn the meeting. Lauren Cnare seconded; unanimously passed.

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