



City of Madison

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

Meeting Minutes - Approved WATER UTILITY BOARD

Tuesday, June 23, 2009

4:30 PM

119 E. Olin Ave., Rooms A & B

CALL TO ORDER / ROLL CALL

Jon Standridge called the meeting to order at 4:34 p.m.

Present: 5 -

Dan Melton; Jonathan H. Standridge; Gregory W. Harrington; Thomas Schlenker and Bruce Mayer

Excused: 3 -

Lauren Cnare; George E. Meyer and Michael Schumacher

APPROVAL OF MINUTES

A motion was made by Mayer, seconded by Melton, to Approve the Minutes of the May 26 Board meeting. The motion passed by voice vote.

PUBLIC COMMENT

Two citizens were present to address the Board regarding water fluoridation.

Jason Lowery, 2293 S. Thompson Dr., urged the Board to seek input from other qualified individuals and organizations in addition to the Board of Health and Department of Health. He was concerned that the Department of Health is influenced by political pressures, has people employed to promote fluoridation, and that every Public Health Department follows the recommendations of the Centers for Disease Control. In addition, dentists are reluctant to go against the recommendations of the American Dental Association. In 2007, at the Society of Toxicology Conference, three National Research Council panelists and a member of the EPA union calculated an MCL goal of 0.4 for fluoride. This is 1/3 of what is currently added to the water.

Susan Michetti, 605 Shula St (Mt. Horeb), has a thyroid structural problem that she believes was caused by fluoride. Research by the National Academy of Science and National Research Council indicates that fluoride can cause adverse health effects including thyroid problems. She avoids any drinks or foods prepared with fluoridated water and any area restaurants when she is in Madison five days a week. She directed the Board to the 500-page report released by the National Academy of Sciences in 2006. Several of the scientists on that panel and the EPA Scientists' Union are opposed to fluoridation. She was asked if Mt. Horeb fluoridates water and if she made the same request there. She said she has, but they ignore everything. She does not drink the water or visit any restaurants there, or anywhere else in the county except Dane, Wisconsin.

PUBLIC HEARINGS

1. [12837](#) Resolution to Establish the Project: Arbor Hills Supplemental Fire Flow Supply

Attachments: [Resolution to Establish the Arbor Hills Supplemental Fire Flow Supply Project Arbor Hills Public Hearing- PowerPoint Presentation.pdf](#)

The attached document was distributed. Al Larson, Principal Engineer, said there were members of the Citizens Advisory Panel (CAP) present, and the consensus of the CAP is to establish the project. He gave a brief PowerPoint presentation (see attached). The issue this project seeks to address is fire flow protection. A single eight-inch diameter pipe serves the entire neighborhood. There is also a reliability issue with the single feed.

Bryan Manning, 3014 Pecham Rd, was present to address the Board. He is a member of the CAP, which met once and had a public meeting. He could speak personally in regard to the reliability issue because when the pipeline broke last winter he was without water. The CAP is ready to move ahead with the project and the most favorable option seems to be the pipeline and pump station.

There was a question for Larson regarding the timeline for the project, since a resolution to receive bids for construction of the Cannonball Run Pipeline was recently passed by the Board of Public Works. Larson said the Public Participation Process includes the pump station but not the pipeline. The pipeline will help the situation but the pump station is necessary for fire flow.

A motion was made by Mayer, seconded by Harrington, to Approve the Resolution to Establish the Project. The motion passed by voice vote.

2. [14094](#) Resolution to Establish the Project: Well 8 Iron and Manganese Mitigation

Attachments: [Resolution to Establish the Well 8 Iron and Manganese Mitigation Project.pdf](#)
[Written Public Comments Submitted Regarding the Well 8 Project.pdf](#)
[Well 8 Public Hearing- PowerPoint Presentation.pdf](#)

The attached documents were distributed. Larson opened by saying the CAP for this project has 10 members, all from the service area. There have been two CAP meetings and a public meeting, and minutes of the meetings are available on the website. There are several CAP members present at the hearing. He gave a brief PowerPoint to introduce the project (see attached). The issue this project seeks to address is water quality.

Twink Jan-McMahon, 2018 Helena St, was present to speak on behalf of the East Isthmus Neighborhoods Planning Council (EINPC) to reiterate the comments from their written letter. The project should be established, and the alternative of evaluating all the near eastside wells should be explored. She encouraged the Board to look at the entire system and consider re-scoping and redefining the project. She also thanked the Utility for the notifications and Public Participation Process. She was asked which alternative the EINPC would recommend. She said the CAP would be more qualified to make that determination. Tom Heikkinen said the Utility has received some federal appropriation money for drinking water system improvements, and he proposes using those funds to hire a consultant to analyze the system as a whole and evaluate the alternatives. McMahon offered the assistance of the EINPC in this project.

Madeline Gotkowitz, 154 Dunning Street, is a member of the CAP, a resident of the Well 8 area, and a hydrogeologist. She thanked the Utility staff for excellent facilitation of the meetings and for listening to the variety of perspectives on the CAP. One of the most useful discussions from the CAP meeting was that when the Utility does a project that increases costs, it could create a need to sell more water. Conservation is very important to many eastside residents, so the system should be evaluated as a whole to decrease costs. She also shared a comment from a fellow CAP member who was questioning how the Utility could pursue an aesthetic standard when it is still struggling to meet other water quality standards. She was asked if the CAP had concluded that the Utility should proceed with the project. She said yes, but there was a strong sentiment that the scope should be broadened.

Al Larson read a written comment into the minutes that was submitted that day by Steven Klafka, a CAP member and environmental engineer. It is included in the attachment.

A motion was made by Mayer, seconded by Harrington, to Approve the Resolution Establishing the Project. The motion passed by voice vote.

A motion was made by Harrington, seconded by Mayer, to amend the agenda by moving item 13, Water Utility Board Operating Rules, to the next item of business. The motion passed by voice vote.

13. [14824](#)

Board Resolution Adopting Operating Rules

Attachments: [Board Resolution Adopting Operating Rules 2009.pdf](#)
[Ch. 33 Master27-Apr-2009-02-13-20.pdf](#)
[Amended Board Resolution Adopting Operating Rules.pdf](#)

Heikkinen introduced the item by saying he had updated the Board's old operating rules to reflect changes in MGO 33.01 and his discussion with Assistant City Attorney Roger Allen regarding Open Meetings Law. A discussion followed between the Board and City Attorney Michael May. Standridge was concerned that Item 2 did not include a provision for the chair to solicit input from others besides Board members. Board members were also concerned about the first sentence of Item 8 which dealt with the issue of potential negative quorum. In consultation with Attorney May, the following amendments were made to the resolution:

- The title of the document was changed to "Resolution Adopting Operating Rules"
- In Item 2, the phrase "may solicit input from others" was added.
- Item 5, 33.01(5)(a) was changed to 33.01(11)(a) to reflect the renumbering of the ordinance.
- Item 6, the phrase "by general agreement of the quorum, without a voice vote" was removed.
- Item 8, the first sentence was removed and replaced by the following: "At any Board meeting with only four members present, if two members have discussed any agenda item outside of a publicly noticed meeting, that item shall be referred to the next meeting."

A motion was made by Mayer, seconded by Harrington, to Approve the Amended Resolution. The motion passed by voice vote.

ADMINISTRATION REPORTS

3. [14080](#) General Manager's Report

Attachments: [General Manager Report June 2009.pdf](#)

The attached report was distributed. Heikkinen highlighted two items from the report: the successful employee potluck and the customer compliment recognizing Ann Wuethrich and Torrie McCormick for excellent service. Standridge added that he also received a compliment about the Utility from a customer experiencing pressure problems.

There was a request for clarification on how Public Health would take the lead in the fluoride debate. Thomas Schlenker said he discussed this with Heikkinen after the last Board meeting. He then talked to the chair of the Board of Health and she said she would put it on the agenda. He was asked if this would be considered a review of the city policy of fluoridation. Schlenker said it could be. Heikkinen said it would likely require Council action to change fluoridation policy. He was asked if the original document establishing the policy had been found. Joe Grande said there is a document from 1955 that makes reference to the resolution, but he contacted the City Clerk and the original resolution has not been found. It was suggested that if someone questioned the legal basis for fluoridation there would be no document to produce; the issue probably needs to be reviewed and reestablished by the Council. Dr. Schlenker advised that the Board should be as specific as possible about what it wants from the Board of Health.

Heikkinen was asked how the discussion would be structured with Clean Wisconsin and if he could copy Board members on his communications. He said he could copy Board members, and that he is not sure how the discussion will be structured. He, Robin Piper, and Gail Gawenda will be there in addition to someone from the city attorney's office. It was suggested that Clean Wisconsin should be seen as an ally in conservation and dialogue should be encouraged. Conservation is very important to the Board and has been established as a goal. Heikkinen said this was the message he gave to their attorney, and he referred her to the Conservation Plan.

A motion was made by Harrington, seconded by Mayer, to amend the agenda by moving item 16, Memo Regarding Pharmaceuticals and Endocrine Disrupting Compounds, to the next item of business. The motion passed by voice vote.

16. [15150](#)

Memo Regarding Pharmaceuticals and Endocrine Disrupting Compounds

Attachments: [Memo Regarding Pharmaceuticals and Endocrine Disruptors 2009.pdf](#)
[Board Policy on Testing for Pharmaceuticals and Endocrine Disrupting Comp](#)

The attached memo was distributed. Water Quality Manager Joe Grande said at this time, the Water Quality Technical Advisory Committee (WQTAC) and Utility staff recommend against testing. The committee has identified criteria that could trigger testing in the future and recommends annual review of the decision. He highlighted several of the reasons for this recommendation outlined in the memo and invited three people to share comments and answer questions from the Board: Dr. Ellen Lancon Connor, a pediatric endocrinologist from American Family Children's Hospital, Dr. Jocelyn Hemming, an environmental toxicologist from the Wisconsin State Laboratory of Hygiene, and Jeff Lafferty, an epidemiologist at Public Health - Madison and Dane County.

Ellen Lancon Connor, MD, 600 Highland Ave, said more research and carefully designed studies are needed to determine the individual and additive effects of endocrine disruptors before we begin measuring them in our water or making recommendations about what safe levels are. She supports what has been presented in the memo.

Jeff Lafferty said he is a toxicologist and epidemiologist. He has also done a literature review, and at this time there are no federal or state guidelines or documented health effects in humans. He urged the Board to accept Grande's proposal.

Dr. Hemming was asked if any citizens have had their water tested at the State Lab. She said you would have to ask Curtis; she was unaware of anyone. Grande said he had spoken with Curtis that afternoon and Dan Melton submitted a sample the week before. They used Well 9 tap water as the validation for their study and there was no detect. Melton was asked if he had received his results and he had not. Grande was asked what the Utility will do if Melton or any other Madison resident has a positive test result. Grande said the triggers are established in the memo, but he doubts they will be found. If Melton provides him with the results, he would take them to the next WQTAC meeting for discussion. Heikkinen added that the Utility would respond to a concerned individual by sharing everything we know. The problem is that there are no guidelines for evaluating those test results.

It was suggested that the key is in the four triggers identified in the memo. A discussion followed of how these triggers could be developed into a Board policy. The attached Board policy was drafted.

A motion was made by Melton, seconded by Harrington, to Approve the Board Policy on Testing for Pharmaceuticals and Endocrine Disruptors. Dr. Schlenker said the policy is very appropriate and the Department of Health will support the Board in this decision. The motion passed by voice vote.

4. [14085](#) Water Quality Monitoring Report
- Attachments:** [Water Quality Report June 2009.pdf](#)
- The attached report was distributed.
5. [14086](#) Water Supply Report
- Attachments:** [Water Supply Report June 2009.pdf](#)
- The attached report was distributed.
6. [14087](#) Operations Report
- Attachments:** [Operations Report June 2009.pdf](#)
- The attached report was distributed.
7. [14088](#) Staffing Report
- Attachments:** [Staffing Report June 2009.pdf](#)
- The attached report was distributed.
8. [14089](#) Customer Service Report
- Attachments:** [Customer Service Report June 2009.pdf](#)
- The attached report was distributed.
9. [14090](#) Public Information Report
- Attachments:** [Public Information Officer Report June 2009.pdf](#)
- The attached report was distributed.
10. [14122](#) Engineering Report
- Attachments:** [Engineering Report June 2009.pdf](#)
- The attached report was distributed.
- A motion was made by Melton, seconded by Mayer, to approve the Administration Reports. The motion passed by voice vote.**

FINANCIAL REPORTS

11. [14092](#) Financial Report: Toilet Rebate Program

Attachments: [Toilet Rebate Program Report June 2009.pdf](#)

The attached report was distributed.

12. [14123](#) Fund Balance Report

Attachments: [Fund Balance Report June 2009.pdf](#)

The attached report was distributed. Finance/Accounting Manager Robin Piper said the Fund Balance Report has been reorganized after discussion with the Comptroller. He was asked about the interest on the loan from the City. He said an annual payment is made at the end of the year; this is not on the monthly report.

He was asked how much money from uncollected bills was put on the tax roll last year. Piper said \$831,000 was received by the Utility for the uncollected bills, including a ten percent penalty. Per state statutes, those with delinquent bills are notified October 1 and given until October 31 to pay. The unpaid debt is then transferred in November. He was asked if this amount has increased because of the economy. Customer Service Manager Ken Key said the amount increased last year, but not by a significant amount. Because of rate increases, the total will always be higher each successive year. There are also some customers who never pay their bills and just have them transferred every year. He was asked if the Utility has ever cut off water for nonpayment. Key said no. He was asked how this affects the financial health of the Utility. Key said that because of the 1% monthly penalty for late payment and the 10% penalty for transferring the debt to the tax roll, the Utility is more than made whole. In an investor-owned Utility that cannot transfer the debt, the unpaid bills are written off as bad debt. Piper said Larry Nelson is concerned that the Utilities won't always be able to transfer delinquent bills to the tax roll. Heikkinen and Key said there has not been much support for that change, except from large property owners.

A motion was made by Melton, seconded by Mayer, to approve the financial reports. The motion passed by voice vote.

UNFINISHED BUSINESS

14. [14852](#) 2010-2015 Capital Improvement Plan

Attachments: [2010-2015 Long Range Capital Improvement Budget Draft.pdf](#)
[Notes from June 4 Public Hearing on the 2010-2015 Capital Improvement Plan Revised Draft- 2010-2015 Capital Improvement Budget.pdf](#)

The attached documents were distributed. Larson said the revised draft of the Capital Improvement Budget has the changes highlighted in red. The biggest change was that the Lakeview Reservoir Reconstruction was moved up in response to concerns expressed at the last meeting.

He was asked if all the projects from the Master Plan are included in the budget. He said yes, but some have been delayed. He was asked which items in the budget were not included in the Master Plan. He said filters and AMR. He was asked if filters were the most expensive alternative. He said yes and gave the example of Well 8. If a new well is drilled, it would be approximately the same expense as a filter. If the regional approach is taken, the project will cost less.

There was a question about the offer Larry Nelson made to include half the cost for AMR in the Sewer Utility's Capital Budget. Piper said Nelson wants to set up a meeting with the PSC to discuss this option. The Utility could accept the money but according to the Administrative Code the Utility has to own the meter and the peripheral equipment. Heikkinen added that if the Sewer Utility includes AMR in its submitted budget the Utility's budget would be reduced accordingly.

Piper said he received preliminary numbers from the updated financial model the day before. Mayer said it indicates that the Utility can increase capital spending as long as it increases its rates accordingly. Heikkinen said the Utility is working on a calculation for how much every additional million in capital spending increases the average residential bill.

There was a question about how projects are prioritized and if there is a quantitative number or process for these determinations. Harrington said the Master Plan includes engineering evaluations. Heikkinen said there is not a quantitative formula for rating projects and at a certain point it's a judgment call. For example, he moved up the Patterson St. remodel because of concerns from employees and George Meyer.

A motion was made by Mayer, seconded by Harrington, to Approve the Revised Draft of the Capital Improvement Budget. The motion passed by voice vote.

NEW BUSINESS

15. [15129](#) Resolution Establishing Water Treatment Policies for Iron and Manganese

Attachments: [Resolution Establishing Water Treatment Policies for Secondary Water Quali](#)

The attached resolution was distributed. It was suggested that “Secondary Water Quality Standards” should be changed to “Iron and Manganese” in the title.

A motion was made by Melton, seconded by Harrington, to Postpone this item to the next meeting. The motion passed by voice vote.

17. [14501](#) Introduction of Future Agenda Items

The following future agenda items were identified at previous meetings:

- Funding Options for Private Well Abandonment
- Forecasting Future Rates to Support Capital Programs
- Collaboration with Dane County Water Utilities
- Policy Regarding Unrestricted Operating Reserve
- Joint meeting with Board of Health to discuss Water Fluoridation

It was suggested that the Board should request a recommendation from the Board of Health regarding water fluoridation and the level of fluoridation.

Heikinen suggested that “Funding Options for Private Well Abandonment” should be changed to “Update on Private Well Abandonment.”

It was suggested that when the financial model is presented to the Board, it will address the forecasting of future rates.

The following were suggested as future agenda items:

- Lead Replacement update
- Discussion of the relationship with municipalities that are wholesale customers and how this affects conservation, Clean WI, rate case, etc.

ADJOURNMENT

A motion was made by Harrington, seconded by Mayer, to Adjourn at 7:14 p.m. The motion passed by voice vote.