



City of Madison

Meeting Minutes - Final

BOARD OF WATER COMMISSIONERS

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

Tuesday, June 19, 2007

4:30 PM

119 E. Olin Avenue

CALL TO ORDER

ROLL CALL

Present: Priscilla B. Mather, George E. Meyer, Jonathan H. Standridge and Gregory W. Harrington

Excused: Lauren Chare and Thomas Schlenker

PUBLIC COMMENT

Denise O'Berry of EMA and Kathy Cryon of City Engineering were introduced. Denise was present to answer questions regarding Item 15. Kathy is Acting Water Supply Supervisor until the position is filled.

MINUTES

1. Approval of Minutes of the May 15, 2007 meeting.
2. Reconsider policy of having Wendy record each comment in the minutes. Meetings are being recorded and shown by City Channel and are also available on the City and the Utility's web sites.

Percy Mather asked for feedback on whether the lengthy minutes are being helpful or if we should adjust the volume in terms of capturing every comment as opposed to the actual actions of the board. George Meyer asked for middle ground where points are made and noted. Percy said we have an official record with City Channel 12 taping the meetings. Jon Standridge asked what kinds of things might be left out. Wendy replied there are areas that could be condensed, that right now she is doing the minutes word for word, which leads to very lengthy minutes since meetings run for up to 3½ hours. Percy said with presentations, she thinks a short summary is important. Jon said he's sensitive to our citizen group, particularly from the Nakoma area; for a period of time they were hiring a court reporter because they wanted a clear record of the meetings. We want to make sure the minutes serve our customers. Dave said the meeting can be downloaded on the computer from the City website, Madison Channel 12, and on the Water Utility website, as well as being broadcast on television. George said that board members can note that they want something reflected in the minutes.

CHANGES/APPROVAL OF THE AGENDA

3. Consider agenda items/topics to have time limits/reordering of agenda items.

The Board agreed to consider items out of order. The order for consideration was: 1, 2, 4 through 10, 19, 12, 13, 14, 23, 22, 15, 16, 17, 18, 20, 21 and 24. Percy introduced Denise O'Berry from EMA who will be answering questions regarding Item 15. She also introduced Kathy Cryan of City Engineering who is acting Water Supply Supervisor for the Water Utility until someone can be hired permanently. Present for Item 17 was Ken Quinn of Montgomery Associates.

INFORMATIONAL REPORTS

4. May Water Quality Report.
5. Staffing Report.

George asked for information on the Water Supply Supervisor vacancy. Dave said the Water Supply Engineer position was advertised in November or December 2006; no applications were received. It was again posted and six or seven applications were received. Five applicants were interviewed without success. We then posted it as open until filled. Since then we've received two applications for the position, interviewed one and have not taken action to hire that individual. Human Resources today said another application came in that we'll be looking at. Dave said in the meantime, Kathy Cryan who works for City Engineering has agreed to fill the position temporarily until we hire a Water Supply Engineer or Supervisor. Because we are having difficulty getting applications for that position, we are reevaluating the position for the appropriateness of the level of the position as an Engineering position, or the possibility of changing it into more of a supervisory position, rather than an engineering position. George said he thinks it is outstanding that Kathy is willing to fill in temporarily, and Dave said he really appreciates it.

6. Operations Report.

Greg Harrington asked the estimated date for completion of the lead service replacements. Dave said we will certainly be done by the deadline of 2011, that we're in good shape and guesses maybe some time in 2009 and no later than 2010. Dan Rodefeld said much of this is tied to street reconstruction projects that will be done in the next couple of years.

Jon said all board members received a letter questioning some hiring practices. He does think there is something going on that people think they have to write a group letter to the board on this`

. Jon wanted this put on record. He said maybe the design team can get communication going on this because something is broke. Dan said no one talked to him about it, saying he's been working with City HR on hiring. Jon said four people signed the letter and Dan could talk to them. Percy said she responded generically because clearly people are unhappy with some of the hiring decisions, and hiring decisions are highly emotional. She thinks its incumbent that people to ask questions of their supervisor to question the process. If they feel the process is illegal, they can file grievances. Jon said they have talked to the board and he thinks the board has some responsibility to indicate we're concerned about this. Someone should look at this and he thinks it's appropriate for a design team. Percy said there is a need for more communication, and we do have the strategic planning process to improve leadership skills. This is all part of an overall effort. Dave said he agrees it's an internal communications issue and there is a design team formed for communication. Dave said one of the achievements of the strategic planning

process is that we're handling HR and personnel issues differently and getting them more into the hands of direct supervisors, coordinating and dealing directly with City HR. Dave thinks this is more of a communications issue, that we are following all HR guidelines and recommendations on hiring. It may be somewhat different than how we've done things in the past. The employees need to know what City policy is and why we are doing things the way we are.

Jon said if the employees are satisfied and happy and feel that things are fair, we wouldn't get the emails. His goal is that we don't get the emails because everyone is happy with the process.

7. Engineering Report.
8. Customer Service Report.

FINANCIAL REPORTS

9. Fund Balance Report.
10. Capital Project Report.

Jon said he received a request from an east side alder that wanted more information on the short-term loan from the City, and he couldn't give it to her. Dave said to forward the question to Robin Piper or Dean Brasser, City Comptroller. Dave said the short-term loan from the City is to cover our cash flow until we get a bond issue; this is a common practice.

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

ADMINISTRATION REPORT

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

OLD BUSINESS

12. Approval of the 2007 External Communications Plan.

George Meyer moved adoption of the plan. Jon Standridge seconded; unanimously passed. Jon said the plan will become the policy and action guide for the Utility.

Greg asked the anticipated cost of hiring a communications expert. Dave said City HR said the general range is \$55,000 to \$60,000 a year. Greg asked about tracking the implementation of the plan and Dave said that can be done. Greg said the customers should know how much they are paying for this. He also would like to see what we are legally required to do and how far above and beyond this plan is. Greg said this talks about this being a living document, which it should be, and a year from now we should put the other issues in it. The plan should be reviewed yearly. Jon thinks it would be a good place for a design team, to do the update every year.

George pointed out that the trick is measuring the cost of communication involves not having good communication, which is also costly.

13. Acceptance of the 2006 Manganese Monitoring Report. (available at meeting)

Joe Grande presented the report, saying he incorporated changes that were discussed at the May meeting. The report will be on the Utility's website and will go out as an attachment with the next water quality update. He asked people internally and externally to review the report, one being Lynn Williamson. Jon Standridge moved acceptance of the report. Greg Harrington seconded; unanimously passed.

NEW BUSINESS ITEMS

14. Recommendations to Resolve Conflicts Between Sec. 66.0805, Wis. Stats., and Chapter 13, MGO, City Water Utility.

Attorney May said that State law says the City can operate a water utility in two ways: You can set up a quasi independent utility commission and if you do, certain rights flow to that commission, away from the Common Council and the Mayor. If you don't do that, you have much more freedom to set it up exactly as you wish. Attorney May said in reading Madison's ordinances, he's not exactly sure what Madison was trying to do. In some places it talks as if it was trying to set up the quasi-independent commission that is authorized under one portion of the statute, and other sections indicate no, we want to have our own specially designed commission. This leaves this commission, the Common Council, the Mayor and City Attorney's Office not very sure exactly where the line is drawn. As long as everything is moving along swimmingly and people are cooperating, it doesn't seem to matter very much, but in the event of conflict, you would likely be involved in some real litigation trying to figure out where those lines are.

Attorney May said he is recommending to explicitly take the other alternative that is provided in State law, under Sub 6 of the Statute. It says a city may govern the operation of its utility by another board that it may set up and doesn't have to use the specific procedures set up in state statutes. Attorney May drafted changes to the ordinances that would accomplish that. There aren't significant differences between the ways this commission has been operating if we were to make the changes. It does make the operation have a much more solid legal ground so if there were to be a dispute, there wouldn't be issues about whether the ordinance is proper and if the authority given to this board, the common council and the mayor was done in a proper way.

This ordinance would increase that number to seven, six voting members and one non-voting member, the Public Health Director. Attorney May said the Common Council Organizational Committee discussed this. They had a suggestion for incorporation, to provide at least one but not more than two, of the voting members are members of the Common Council. That would assure that there was one alder on the board and possibly two. This was in response to the need for someone with expertise in financial matters, and that may or may not be someone on the Council. He drafted terms at five years each as he thought it made sense to leave it as it is now as it is a reasonable term. The statute requires the term be the same as the number of commissioners.

Attorney May said this is before the board tonight for informational purposes. He thinks it will be introduced at the July 3 Common Council meeting, go through the process and be referred back to this board for formal approval, or recommendation for approval, or recommendations for modifications to the Common Council and eventually back to the Council for approval. You will have another kick at this.

George Meyer said there seems to be a conflict between the contract of the utility director and the ordinances and statutes. They don't align themselves for this

situation. The statute isn't very clear. The oversight authority in terms of all actions and decisions related to employment of the director would be under the board. In the situation we have now, the ordinance and the contract are different and because of that conflict, there's a question of where authority lies and that could be a problem somewhere down the road.

George then asked about the Clintonville case. Attorney May cited a case in Clintonville where water utility employees were granted a 10% raise by the utility commission and common council said no, you can't do that-everyone else in the city is getting a 6% raise. It went to court and the court said no, the Statute as it exists gives authority to the board. That's exactly the conflict we could find ourselves in, raises for employees, discipline, evaluation of the general manager-any number of things that he can think of, even decisions the board might make that the Common Council disagrees with. Now you run the risk of not being able to tell if that were to happen if the authority of this commission should be upheld or the council. He suggests we redraft the ordinances to remove that ambiguity and to leave the authority the way he thinks is intended by the existing ordinance.

George had asked that there be a closed session at this meeting regarding possible discipline action, and it was delayed because of Alder Cnare and Tom Schlenker not being present. He asked Attorney May for his advice on resolving this jurisdiction. Attorney May said his advice is to solve the problem with the ordinances in relation to state statutes as soon as possible before you get into evaluating and taking any action with respect to employees. He thinks there are a number of potential issues out there that could arise if you don't have clarity with the ordinances. He said it should be high priority in getting this resolved.

Jon said going from 5 to 7 members makes sense, that we need a CPA with expertise in the municipal finance area. It would help the quorum issue and not being able to talk to each other. Jon said the way it works now is the Council and the Mayor appoint board members and the board members decide about the hiring, firing and contracts of the director. Attorney May said the statute would give authority to this commission. Jon said if we go purely with the statute and do away with those ordinances that are confounding this, doesn't the board have the ability to delegate? If we want to have that total control, we can, but if everything is going swimmingly, we could delegate to the Mayor's office so the mayor could be dealing with contracts and setting the amounts. If we did away with the ordinances and dealt strictly with the statutes, if things weren't going well, the board could use its authority under the statute, but because you have it doesn't mean you have to use it-is that true? Attorney May said he's not sure about delegating things to the mayor. Jon said delegate by default; to the mayor we say go ahead and deal with this director just as you have dealt with other directors. Here is our evaluation to use in your process. That is kind of what we've been doing now, Jon said. If that isn't working well, the board would have the authority to do it themselves, having the statute without the ordinance. Attorney May said what you're trying to do is take what the State Statute says you can do and create a hybrid where you're not exactly following what the statute say. Jon said doesn't it say in the statute that you can delegate it. Percy said you have a lot more independence. Jon said there is a risk of having a board heavily empowered by the statute by eliminating the ordinances but the board won't act. The other side of that is a mayor who appoints a non-water person as director, makes it a figurehead position and pays \$120,000 to someone who worked hard on his campaign. Years in the future you could have a situation where there is a revolving door of directors with inadequate expertise. Jon said he prefers a seven-year appointment, not five as he thinks it adds stability.

Attorney May said under the revisions to the ordinance, we maintain the current situation where hiring and firing a manager is done with concurrence of this board and the mayor. You wouldn't have the situation where the mayor could put someone in there that the board didn't approve of or vice-versa.

George said he thinks this is better grounded in law. Attorney May agreed. Percy said an organization set up under State Statute 66.0805 is Madison Metropolitan Sewerage District. It is very independent and spans a large number of local governments. The Water Utility pretty much serves the city of Madison; it makes sense that the Water Utility is a creature of the city and part of public works. Percy said she's wondered what we'd do if we had a legal conflict since we're part of the city. We'd have to hire our own independent counsel, the same thing with human resources, so it makes sense to go with these changes.

Greg said he was surprised to discover we're a Class 2 city as the statutes say a Class 1 city is 150,000 or larger, so how do we keep ourselves from conflict with the statutes by saying we're Class 2. Attorney May said the statute says you have to be over 150,000 and you have to declare yourself a 1st class city, and you have to make all kinds of other changes in the ordinances. Madison has never declared itself a Class 1 city. Greg said so the statute gives the city the power to apply for the Class 1 status. Attorney May said he'd have to go back and check on moving up in class. He thinks it might happen by population without any other changes. Greg said he'd like Attorney May to put a paragraph together clarifying this issue. He said he can understand why the city hasn't applied for Class 1 because of the mess that would be created over the next five to ten years to try to get the city in compliance.

15. [06403](#)

Authorizing the Mayor and City Clerk to execute Amendment No. 1 to the Professional Services Agreement with EMA, Inc. to facilitate and conduct a utility-wide, participatory self-assessment of organizational issues, communication, work practices and technology, identify opportunities for improvement and implement recommendations.

A motion was made by Meyer, seconded by Harrington, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER

Denise O'Berry of EMA was present to answer questions. Dave said he asked EMA to make some changes to the proposal to clarify some questions asked. He asked the board to look at the table at the end of the proposal. It gives the board a better feel for what has been added and accomplished. George said this was an excellent summary and he is comfortable in voting in favor of it, saying Phase 2 should be complete by the end of 2007, and asked if there is a third phase planned. Dave said there is an intent for a third phase. We're now in the implementation phase of the strategic plan, which is a multi-year plan. Denise said this kicks off the implementation of that plan and will have to be completed incrementally; things will come up along the way. She said it typically takes two to five years to make a shift. Denise said when you start out, one-third of the organization embraces the plan, one-third will be sitting on the fence waiting to see what's in it for them, and the last one-third sits back and says I'm not sure if this is a good thing. Denise said Madison Water Utility has a wonderful work force here; they are intelligent, passionate, caring-there is a reason why you have a lot of people in the organization that have a lot of years here. With the people she has been working with, she hasn't seen a single one who doesn't want to get involved, move forward and contribute toward a good outcome.

Jon said he has talked to a lot of people, one who has worked with big organizations. Jon asked her about spending \$300,000 and if this is common practice. The answer was no, it is not common and is a lot of money to spend. She asked why your leadership isn't doing this instead of EMA. Jon said he's opposed to supporting this because he's gotten lots of information and personal experience that there are better ways to do this. It comes down to leadership of the Utility and the Utility needs to own this. Right now he feels EMA owns it. The things happening are with outside influence. He thinks when EMA is gone, it's going to be gone unless you want to keep spending \$300,000 a year. He thinks we could have leader who takes on that role. There's the Madison Area Quality Network who provide people to do mentoring. There are free facilitators in the City of Madison and industries in the city that would loan us people. There are consultants in Madison who could do it for a tenth of EMA's cost. Jon said it concerns him that we've already spent part of the money and he can't support this.

Denise said EMA's methods sustain themselves after they quit working with organizations, that they not only guide but do skill transfer. Those activities carry on a life of their own. EMA's goal is to help transfer those skills, but you often need assistance of an outside party. She said it's not intuitive for people to do new things like strategic planning and focus groups. Denise said she instructed the steering team on how to have an effective meeting, and they will transfer that skill to the rest of the organization. Jon asked if she'd say there is strong leadership in the Utility at this point. Denise said there have been no barriers. Jon asked about using local resources, and Denise said they should use whatever resources are available.

George said Jon makes a good point. This project is half underway but the test to see if this works will be the end of this year, when the organization can just pick up and go. He'd be very hesitant to vote for another contract of this magnitude. He thinks, as Jon said, somewhere the ball needs to be picked up by the organization, which is a quality organization. George said it would be helpful if, as EMA completes this contract, they and senior management have reached the goal of making the improvements called for and leaving the organization in an enabled position. That would be a good result. Denise said that is integrated into their methods and the steering committee is taking ownership. It takes a long

time to shift the culture of an organization, that this is new part of the job. It takes up to three to five years.

Greg said he doesn't think we can do one \$50,000 study and drop it. The plan has only been approved for three to four months and he's confident the transfer will occur. Percy agreed, saying she absolutely supports continuing with the EMA activities. Dan Rodefeld, Operations Manager, said he, John Kaioula and John Hewitt are all in new leadership jobs, and he thinks it is very important to have this guidance.

Jon asked George how much DNR spent on the consultant they had. George said in 1995, it was around \$250,000. Jon said he is a whole-hearted believer that we need to make this cultural change and that we need help doing it. We also need leadership who owns this and right now he doesn't see much in here that is going to help Dave or Al with those issues. He's convinced that we need to do it but not convinced that we're getting the best bang for our buck here. He has talked to other people who have done this for a lot less money. Dave said he disagrees with respect to ownership and the management. He and Dan are on the Steering Team, Joe is on one of the design teams and Robin is heading up one of the design teams. Dave said he certainly has taken ownership of this, that he has pushed for it from day one. We had a budget item in our budget for two or three years, talking about conducting a strategic plan. He regrets we didn't do it sooner. He said Don Russell's message was that the employees want to take ownership of this, that they recognize the importance and benefit of it.

George Meyer made a recommendation that we support Amendment 1 to the Professional Services Agreement with EMA, with the caveat that as part of this, Water Utility management, working with EMA, will look at how to carry this out beyond the end of the year, to work on a long-term implementation plan, with EMA taking a lesser or no role at that time. Greg Harrington seconded. George said there is passion, he's heard that from the staff, and he doesn't want anyone to think it's not good work that is being done. Jon said he's going to vote no on this, that those people are spinning their wheels. They are doing the right thing, but he thinks it can be done more effectively. Jon said essentially EMA is doing Dave's job and he'd like to see Dave do his job. All were in favor with Jon Standridge being opposed.

The motion passed by the following vote:

Excused: Cnare and Schlenker

Aye: Meyer and Harrington

No: Standridge

Non Voting: Mather

16. [06753](#) Authorizing the Mayor and the City Clerk to enter into an agreement with Dane County to accept a Homeland Security Critical Infrastructure Grant being administered by Dane County. The total security upgrade initiative for the Madison Water Utility is \$485,000. The Water Utility is responsible for \$97,000 (20%) and the grant will assume up to \$388,000 (80%) of the project.

A motion was made by Meyer, seconded by Harrington, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER Dave said this item is about putting security cameras in the well houses that will be triggered by motion detectors and improve security at our facilities.

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

The motion passed by acclamation.

17. [06765](#)

Authorizing the Mayor and City Clerk to execute a Professional Services Agreement with Montgomery Associates Resource Solutions LLC for the field sampling, groundwater modeling, data analysis and report generation on the feasibility and viability of a well at Larkin Street (11th AD).

A motion was made by Standridge, seconded by Harrington, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER Ken Quinn from Montgomery Associates was present to answer questions. Percy said this is a pre-analysis of drilling the entire well to see what conditions are because of the likelihood of getting high manganese over time. Larkin Street is at the intersection of Mineral Point Road, Glenway and Speedway. Ken said the purpose is to determine water quality at that location in the lower aquifer. Once water quality is where we think it represents the lower aquifer, we'll have the information we need to proceed with a well.

Percy said public information meetings will be held in the future regarding this.

Jon Standridge made a motion to approve the resolution. Greg Harrington seconded; unanimously passed.

The motion passed by acclamation.

CORRESPONDENCE AND SPECIAL INTEREST ITEMS

18. Receipt and discussion of Report to Mayor on Water Quality Concerns.

Dave said this report is a result of an email from the Mayor asking very specific questions. The main part of that is chlorine levels and the limit we want chlorine to be at. He said the process had started when the email arrived from the Mayor. The team assembled by the General Manager was Dave, Larry Nelson, George Meyer, Greg Harrington, Tom Schlenker, Joe Grande, Al Larson, Joel Guderyon, Paul Nehm of Madison Metro Sewerage and Jack Geisenhoff of EMA. The Mayor's team drafted a Standard Operating Procedure for Chlorine Levels. It contains more clarification and follow-through, and recommendations and reasons for the recommendations. Dave said we want to add enough chlorine to make sure we're treating the water properly, but not more than necessary. We tried to hit the medium area. The operators were given enough leeway so they have time to take action when levels get close to the limits.

Greg said the opinion of many people on the panel, including Larry Nelson, were strong advocates of the Water Board making the decisions on chlorine levels. He said you rarely achieve 100% customer satisfaction with chlorine levels. Greg said there are no requirements for the Utility to chlorinate the water because it is a groundwater utility. Nothing says we have to maintain a certain chlorine level within the distribution system. His advice is that we go with the requirement for the surface water treatment rule as guidance. He said we have to comply with the groundwater rule by December 2009. The groundwater rule allows you to be under the set amount for a four-hour period. The SOP says less than .2 for more than an hour, report to your supervisor and take care of it. Dave said he has talked to operators and maintenance people about this, and he

recommends pushing the target area up a little from what this says. It's becoming more difficult operationally to work close to the edge so if we move it up a bit, we give ourselves more leeway. Initially we may have complaints on taste and odor but people do get used to it. Dave said the present range is .14 to 4.0. Greg said we need to set the minimum chlorine level now. Discussion was held on this, after which a decision was made to set the policy to maintain chlorine levels leaving all wells as close as possible to 0.3 mg/L and to take action to remove a well from service if chlorine levels go below 0.15mg/L. The goal remains to maintain levels at or above 0.1 mg/L everywhere in the distribution system. Corrective action would also be taken if chlorine levels leaving a well exceed 0.55 mg/L and a well would be shut down if levels exceed 4.0 mg/L.

Greg Harrington made a motion to accept the SOP as discussed. Jon Standridge seconded with the friendly amendment to change the wording to the press release responding to public concern about water quality and meeting future groundwater rules. Unanimously accepted. Joe said there needs to be communication to the public on why we are doing this. Jon said this is a huge communication thing to the employees and to the public.

19. Recommendation requested by the Board from the Strategic Plan Team Steering Committee on the Water Board's role with respect to strategic design teams.

Don Russell from the Distribution Section was present to report on the steering committee. He said the Steering Committee has taken ownership of the priorities. The five focus areas are: master planning and infrastructure, community group involvement and communications, water conservation, contaminants that affect human health, and culture change and internal communications. Three of the five areas are already being addressed. We've drafted customer survey reports, and we want clarification on contaminants that affect human health. Don said the Steering Committee would like to draw on the boards' expertise and a sheet was circulated for board members to sign up for whatever area they would like to assist the steering committee and design teams. Don said the steering committee will report to the Water Board bi-monthly.

20. Accept staff recommendation to abandon Well 3.

George asked Al Larson to do a memo regarding this item, what in the master plan the board needed to commit to in order for them to feel comfortable abandoning Well 3 now rather than waiting until a replacement well is put on line in 2012. Well 3 hasn't operated since September 2006. Well 3 is the oldest well in the system and has been plagued with problems of iron, manganese and increasing levels of carbon tetrachloride.

George said to let the public know about the abandonment and that as part of that and other infrastructure needs, several capital projects will be required which will have an impact on the Utility and its rate structure. Dave said it is important that people understand the cost of these projects is not directly associated with Well 3 and we're not doing these projects because of abandoning Well 3 early; we were planning to do these projects anyway and rates would have been impacted.

George Meyer moved adoption of the formal abandonment of Well 3 and ask that a press release be put out about our long-term infrastructure needs and costs. Greg Harrington seconded; unanimously passed.

21. Report on Well and Distribution Chlorine Residuals for April 2007.

Joe Grande gave a power point presentation on this report as requested by the

board. He showed a graphic showing what the chlorine residual was at the well and then at distribution. Variances in the distribution are because some samples are taken right at the reservoir and some are taken at the extreme far points in the city. He said they collected 232 distribution samples and the median value was .22. There were six or seven samples below .1, a couple of those because of a chlorine problem at Well 7. Joe said he compared April 2005 to April 2007. The median chlorine residual leaving the well has increased .06 mg/L. The distribution, the median value was .12 and there were many samples below the .1 target. He wanted to show how things have changed in two years. In talking to Al, a lot of this has been triggered by additional work that has been done at the university and the importance of maintaining a chlorine residual system wide. In 2007 you do have a median value at .22 whereas two years ago in the same month, we saw a median value of 4.2, so it's reflecting the need for having higher chlorine residuals. Dave said it's interesting that the median was .28, which is very close to the target level we just discussed, .3. He is surprised that the median is .28. Greg said water is contained in reservoirs overnight, with less usage at night, and you are looking at data collected by operators during the day. The SCADA system monitoring the chlorine residual is probably going to have a median that is different from the number we see here. He thinks we will see a shift in this.

22. Receipt and discussion of Well 16 Chlorine Failure Incident Investigation Report.

Larry Nelson, City Engineer, was present and stated the report was generated because of the chlorine incident at Well 16, Mineral Point Road on the city's west side on April 20. Details of the incident are laid out in the report and were based on Water Utility records from employee interviews. Larry said the investigative team consisted of himself, Mayor Cieslewicz, George Meyer and Paul Nehm, senior engineer with Madison Metro Sewer District who is in charge of the operations and maintenance of the Nine Springs Waste Water District. Larry said the Water Utility has had several incidents involving the addition of chlorine to the public water supply. Unit Well 29 had a failure in August, 2006 and Larry served on an investigative team for that incident, along with Dave Denig-Chakroff and Joe Grande. They thought the investigative report of the incident at Well 29 was pertinent to the incident at Well 16. It was attached as a part of this report. There was another incident at Well 8 on March 27, and on May 27 there was an incident where there was a failure in the operations of Well 7 that was discerned and resolved without compromise; these were also included in the report.

Larry said, based on their investigation, there is a similarity in the incidents at Well 29, 8 and 16. Basically there was a mechanical failure or as in Well 7, an operations failure occurs. Maintenance employees or the operations staff did not immediately understand it. There is an absence of important facts in our communication during that period of time. We've attached the investigative report on Well 29 and also Attachment B and the summary of the reports that the Water Utility made to the Mayor's Office regarding this. They did retype and date the report so it gives a flow of the information.

Larry said one of the recommendations of the Well 29 report was that the Water Utility develop Standard Operating Procedures (SOPs). In the attachment, it states "written, comprehensive, standard operating procedures for Rounders and Operators will be developed by January 31, 2007 based on the recommendations of an employee committee with rounder, operator and supervisor representatives." The SOP will be reviewed and updated regularly. It was still in development on January 29. The pump operators requested it on March 2, no formalized process had been developed on April 26 and on June 1

there was an SOP for chlorine. The development did not happen and one of the issues was a lack of a Water Supply Engineer. Regardless, we don't think that work should have been deferred. Larry said we're suggesting that the Water Utility revisit the job requirements of the position if they are unable to hire under the present conditions.

Larry said on May 8 Mayor Cieslewicz directed the preparation of an SOP, which is the procedure you have before you at this meeting. This SOP is very important because it will remove the situation of individual operators using their own individual preferences for the residual chlorine in the system. Writing down an SOP for chlorine is a necessary first step but it will require a rigorous training program on the part of maintenance workers, operators and supervisors. In reviewing the interviews of employees involved in the Well 16 incident; they are very concerned with the possibility that high levels of chlorine will get in the system. There is less concern with low levels of chlorine, and they don't trust the chlorine analyzers. The report on Well 29 recommended chlorine analyzers be inspected and analyzed monthly; we need to have documentation.

Larry said the current SCADA system has been in service for quite awhile. You can't assume the SCADA system is a resolution to all of your problems, or that another system would be better. He said they recommend that the Water Utility have a supervisor on-call 24 hours a day. The supervisor will know a lot more of what is going on.

George said he served with Larry and Paul on this team to look at what happened at Well 16. They are both top-notch professionals and he was impressed with their analysis. Larry did an excellent job with capturing the details of the report. The Well 29 incident report was an excellent document of what happened in October 2006 in Well 29 with chlorine and fluoride problems. It set out an excellent roadmap for looking at the Well 16 incident in April. A couple of things, had they been done, should have avoided the problem and the SOPs for rounders and operators that were to be developed by January 31, 2007, should have captured fluctuations. There was a recommendation that effective immediately supervisors and maintenance and operating personnel will clarify with their staff the appropriate corrective action to be taken. Procedure was obviously not established effectively.

George said one of the key positions is the Water Supply Supervisor position, which has been vacant for a long time. Kathy Cyran of City Engineering has graciously agreed to serve as interim. He thinks there are gaps of supervision at the senior level that caused this to happen. He thinks this board needs to make a specific recommendation to the Mayor regarding specific action. Percy asked for clarification on who was involved in generating this report-George said Paul, Larry and he put the report together. Al Larson from the utility was involved in the investigation also. Percy said they also received a memo from Dave responding to this so she is confused. Larry said with regard to the Well 8 issue, there was a pretty extensive chronology made up by the Water Utility on that situation. The report in October of last year was Joe, David and Larry. Larry said the Mayor formed two committees, one for Well 16 and on May 8 another committee to come up with a procedure.

Jon asked if staff is more worried about an error with high levels than with low levels, or are they more worried about the health effects of high levels or low levels. Larry said there was not a consensus in April about that. Larry said he speculates it was a health issue they were talking about, the high levels. Jon said the board had an extensive discussion about setting a residual chlorine level and not dropping below that after the discussions of Mark Borchardt showed we have virus in our deep groundwater on a regular basis. There definitely is, in his mind

as a public health microbiologist, a risk. We agreed as a board that we were going to direct the Utility to make sure there was the proper residual at all wells at all times. The Board made it perfectly clear that this is a public health issue important to us, and he said he calls it a leadership issue if that message didn't get to staff and that concerns him greatly. Larry said this does show the necessity for approval of an SOP by this board to get the word to the employees and to get the word from the board. Jon said its been well over a year and he expected there would be an SOP. He asked if we have an SOP in place for fluoride to avoid over-fluoridation. Dave said not a specific SOP, that we've identified it to be included in the list of SOPs. He understands with respect to the equipment that there are more safe guards for fluoride and it's not likely that that could happen.

Jon said we had discussion about the importance of chlorinating these wells. The groundwater rule is going to force us to eventually anyway, so he expected after reading the Well 29 report that we took care of business as it had dates on it. It appears that there was a lack of ownership by the leadership of the Utility. The document came from others with some participation from the Utility folks, but we didn't do it. Jon said he sees this lack of leadership of the Utility coming up over and over, and it concerns him a lot. It's a public health and public confidence issue. Percy said these people have had a lot on their plate, that SOPs are working documents, and she thinks we're seeing continuing improvement. Jon said this document is excellent as well as the Well 29 document. Percy said she is concerned about the discrepancy where in one case it says the problem wasn't discovered until the next day and in another report said it was after a number of hours. George said he has read David's letter and he would still not have changed his opinion on the significance of the problems and why they occurred.

Jon Standridge made a motion to accept the report. Greg Harrington seconded. George Meyer abstained from voting since he was on the investigative team. Percy Mather voted no to acceptance.

23. May 31, 2007 Communication from City Attorney Michael May regarding Key Dates in General Manager's Employment Contract.

Informational item, there were no questions.

NEXT MEETING DATE

24. Approval of the next meeting date of July 17, 2007.

The decision was made to change July's Board of Water Commissioners meeting from July 17 to July 10, one week earlier. Dave said he thinks Lauren would like to have the meetings moved to the second Tuesday of the month rather than the third. It is difficult, with our long meetings, for her to make it to the Common Council meetings on the third Tuesday. It was decided to send an email to all of the board members and ask their preference on this item.

ADJOURNMENT

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