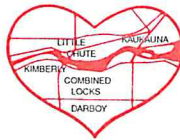


**DISTRICT DIRECTOR:**

Brian M. Helminger

**COMMISSIONERS:**David J. Casper, President  
Bruce M. Siebers, Vice-Pres.  
Patrick E. Hennessey, Secretary  
Kevin P. Coffey  
John W. Sundelius**SERVING:**Combined Locks  
Kaukauna  
Kimberly  
Little Chute  
Darboy S.D.**Heart of the Valley  
METROPOLITAN SEWERAGE DISTRICT**801 THILMANY ROAD  
KAUKAUNA, WISCONSIN 54130  
(920) 766-5731 FAX (920) 766-5733  
[www.hvmsd.org](http://www.hvmsd.org)

May 10, 2018

Chad Olsen, Senior Project Manager/VP.  
McMahon Associates, Inc.  
1445 McMahon Drive  
Neenah, WI 54956

Dear Mr. Olsen:

I am writing in regards to your recent inquiry on behalf of the Town of Holland Sanitary District and its Facilities Plan for future sewage treatment. The Heart of the Valley MSD Commission discussed your inquiry for sewage treatment at its last meeting on May 8<sup>th</sup>.

Several concerns were aired over the utilization of HOVMSD for sewage treatment for users outside the projected Heart of the Valley sewer service area. The five HOV member communities have and are seeing consistent construction activities in residential, commercial, and industrial projects. The importance of preserving the remaining flow and organic capacity at the treatment facility cannot be understated. The long-term viability of the Heart of the Valley treatment facility and its current site location is a Commission objective and priority.

The location of the Town of Holland Sanitary District is outside the Heart of the Valley service area and the Commission has reviewed your inquiry and respectfully declines further consideration for sewer service.

Sincerely,

A handwritten signature in blue ink that reads 'Brian Helminger'. The signature is fluid and cursive, written in a professional style.

Brian Helminger  
District Director

## Dawn Bartel

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**From:** djc3xx@gmail.com  
**Sent:** Thursday, May 10, 2018 9:22 AM  
**To:** Brian Helminger  
**Cc:** Dawn Bartel  
**Subject:** RE: Heart of the Valley MSD- legal review/opinion needed

Brian:

Thanks for the quick follow-up on this. I am glad to hear that what we are doing is fully compliant. I think we could just share your inquiry and Mr. Cole's response emails with the commission and also include them in the "Correspondence" part of the meeting information package for next month's meeting,

The response could also be noted in your District Directors' report remarks, so that it is included in the minutes for the public record.

Kindest regards,  
Dave Casper

Sent from [Mail](#) for Windows 10

**From:** [Brian Helminger](#)  
**Sent:** Thursday, May 10, 2018 9:04 AM  
**To:** [Dave Casper](#)  
**Cc:** [Dawn Bartel](#)  
**Subject:** FW: Heart of the Valley MSD- legal review/opinion needed

Dave:

It appears that we are compliant and there is no requirement to publish our monthly meeting minutes but we can certainly do so if that is the consensus of the Commission. Should we place this on the June agenda for further discussion and possible action?

## Brian Helminger

District Director

Heart of the Valley  
Metropolitan Sewerage District  
801 Thilmany Road  
Kaukauna, WI 54130  
Phone: 920-766-5731  
[www.hvmsd.org](http://www.hvmsd.org)

**From:** William S. Cole <WCole@axley.com>  
**Sent:** Wednesday, May 9, 2018 1:43 PM

**To:** 'Brian Helminger' <brian.helminger@hvmsd.org>  
**Cc:** Dawn Bartel <dawn.bartel@hvmsd.org>; Megan J. Jerke <MJJerke@axley.com>  
**Subject:** RE: Heart of the Valley MSD- legal review/opinion needed

Brian,

I am aware of no legal requirement that metropolitan sewerage districts must publish their minutes. Such requirements do exist for cities and villages. As such, you are free to publish the minutes, but not required to. Of the districts I represent I would say it is common practice to publish them. Your procedure for approving the minutes is compliant with law.

Bill

## **William S. Cole**

Phone: 608.283.6766

Axley Brynelson, LLP

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**From:** Brian Helminger [<mailto:brian.helminger@hvmsd.org>]  
**Sent:** Wednesday, May 09, 2018 10:18 AM  
**To:** William S. Cole <[WCole@axley.com](mailto:WCole@axley.com)>  
**Cc:** Dawn Bartel <[dawn.bartel@hvmsd.org](mailto:dawn.bartel@hvmsd.org)>  
**Subject:** Heart of the Valley MSD- legal review/opinion needed

Good morning Bill:

Last night at our Commission meeting I was tasked with following up on legal requirement related to the official meeting minutes reflective of the Commission discussion and actions. Its been noticed that other local utilities post their minutes in the local newspaper in the legal notices. We know this can be costly but the question was raised if HOV should be doing likewise and if we are meeting all statutory legal requirements with our current practices.

So with that said – Is there a statutory requirement that a Metro Sewerage District publish is monthly meeting minutes after they have been approved? Annually the Commission does recognize an “official newspaper” and its used for budget and budget hearing notices.

We currently write up our minutes and they are officially approved at the next Commission meeting. After approval we then publish our minutes on our website. Is our current practice compliant with all applicable legal requirements?

If it was necessary to publish ..... Is there any sort of standard format for doing so? Or is the rule of thumb to minimize wordiness and include just enough content to accurately reflect the meeting while minimizing the cost of publishing?

## **Brian Helminger**

District Director

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