

MINUTES
City of New Berlin
Special Utility Committee Meeting
Thursday December 20, 2007

Members Present: Alderman Harenda, Alderman Ament, Alderman Seidl, Commissioner Bob Dude and Commissioner Jim Morrissey

Others Present: Mayor Jack Chiovero, City Attorney Mark Blum, Alderman Hopkins, Alderman Moore, Alderman Augustine, Alderman Posephny, J.P. Walker (City Engineer), Greg Kessler (Director of Community Development), Bill Mielke (Ruekert & Mielke) Phil Evenson SEWRPC, Kevin Shafer (Executive Director MMSD), Mark Kaminski (Acting Controller & Treasurer MMSD), and Sue Hanley (Office Coordinator Utilities & Streets)

Harenda: Welcome. I would like to call to order the Special Utility Committee Meeting December 20, 2007. It is 5:03 p.m. I call the meeting to order. Roll Call, all members present. Old business, the only item on the agenda is:

UT 04-07 Update & Status on MMSD 2020 Plan – Impact to City of New Berlin

Harenda: At the meeting this evening we have representatives from SEWRPC Phil Evenson, Kevin Shafer from MMSD, Bill Mielke who is our TAT Representative for the City of New Berlin and Mark Kaminski with MMSD also, as well as Greg Kessler and JP Walker to assist with respect to the parts they were involved in with this plan. First of all, we are going to start out with the presentation, Kevin, OK Kevin? Is that first?

Shafer: That's right. If we can, I will do the presentation and take questions and try to answer them at that point. I would like to thank you for having us out here today. Mark Kaminski is the Controller for MMSD, so some of the questions about billing he will help me address those as well. What I would like to do is to go through 7-8 slides and talk about the issues. No with the lighting it may be a little hard to see this map. This area outlines the City of New Berlin boundaries and you can kind of see a tan pink line right here that is the planning area line that we are going to talk about, so there is a planning area, and there is a sewer service area. The red dashed line that you see is the sewer service area and I know some have heard of the ultimate sewer service area that is really the same as this planning area so we are going to use 2 terms to simplify the discussion. Planning area and sanitary sewer area. The planning area that lighter line that I referred to was established back in the 1960's and that has only had 1 change made to it in New Berlin and that was for the New Berlin West High School which was done a couple years ago. You can't even see it so I won't mess it up. The MMSD planning area is used by MMSD every 10 years to update our Facilities Plan. So every 10 years we plan the facilities that we are going to build for the next 10 years and to do that we need to have an area that we encompass into our plan. This does not say that there will be sewers built in that area, that is something that is left up to the City, SEWRPC, DNR and MMSD. So it is really just an area that we plan for. The Sanitary Sewer Service Area that red dashed line that you see on the map is established by the City of New Berlin. You're the ones who control that line and where it is and it's modified within the planning by a process that is initiated by you as well so. You control where that line is. You control what is in the sewer service area and if you need to add or subtract from that sewer service area that is done through a process that you initiate. And that process is that the New Berlin Common Council passes a resolution petitioning the Southeastern Wisconsin Regional Planning Commission (SEWRPC) to make a change to the sewer service area. So you ask SEWRPC to look at this to change whatever it is. SEWRPC then holds a public hearing in New Berlin asking for comment on the modification to the sewer service area. So there is a public hearing where everyone can come in and talk about plusses and minuses of that change. SEWRPC then reviews the comments from that, reviews the addition or subtraction, the modification that is being looked at and makes sure that is consistent with the regional plan and then prepares a report reflecting that change. SEWRPC forwards that report to MMSD and we transmit that to the Department of Natural Resources, the DNR. Once we have SEWRPC approval, the resolution from the City that says you asked for this, and the DNR approval, my commission will then take it up for action. So it all starts with the Common Council here. If there any questions as I am going through, just stop me.

Now we have just completed the MMSD 2020 Facilities Plan. Every 10 years we plan for what the development might be over the next 10-year period. The projects that we are building right now were approved for a plan that was through the year 2010, and we just completed the next plan for projects that will be built between 2010 and 2020. The way we started this project in 2002 was the City was asked to review your land use and population projections for the year 2020. So again, the process starts with the City of New Berlin you tell us, you actually tell SEWRPC what the land use and the population projects will be for the year 2020. SEWRPC reviews that and reviewed these projections and then provided them to MMSD. We took those population and land uses and converted them to wastewater flows and it is those flows along with very interactive working with the City, SEWRPC, DNR. We have worked over the past 5 years to develop this list of projects that will be built for the 10 year planning period. So the Facilities Plan is based on a planning area that one line that I showed on the map but that doesn't say anything will be built in that until the City comes back and requests it. The draft 2020 Facilities Plan was approved by MMSD in June of this year and we are expecting approval from DNR by the end of this year. We had several public hearings, if you remember back in 2006 we came out and we presented the findings that we had at that time about a year and a half ago now I think and then after we finalized the recommended plan we had 2 public hearings one on April 25 and one on April 26th that we presented the recommended plans and we have minutes and responses for all questions that were brought up at those meetings. And additionally to that we invited all of the aldermen and community leaders from all of the communities including New Berlin on May 9, 2007. SEWRPC, Phil Evenson and I provided a presentation at Discovery World downtown, presenting the recommended plan to everyone. I believe your Mayor was there and I think one of the Aldermen as well. So, we had 2 public hearings and May 9th we had a public presentation as well. The plan was approved by MMSD in June of this year and we received comments even up to I think September from Bill Mielke your representative on TAT. So even though we approved it, we were still taking comments through that period. The 2020 Plan itself identifies a variety of improvements at the treatment plant and in the conveyance system. Some of the larger projects that were identified were looking at additional pumping capacity from the deep tunnel system itself, looking at additional treatment capacity at South Shore, some additional regional sewers throughout the system and different issues with I & I, but because all of this is based on a land use and a population projection that was really done in 2002 for the year 2020, we know that there is going to be some changes, it is a projection that is the best picture that we have at the time but we need to look at it as we move forward. So the district is adopting what we call an "adaptive approach". We're going to wait until the year 2010 when the census bureau will do the next census for the area. We'll get the results back in 2011 so we will wait until we implement some of these major projects that are dependent on population and land use until we really see what the population is and the land use is and we'll really compare that to what SEWRPC and the communities have told us as to whether we are tracking above, below or at that projection and if there's changes through that adaptive plan we will use that same process we talked about earlier for any modifications to the sewer service area. So that same process would be utilized no matter what. And one of the questions was how does MMSD bill New Berlin? Mark Kaminski my comptroller will try to go through that and if there are questions after he can answer those as well.

MK: The first thing I would like to say is that it's the district adopts 2 budgets, an operations and maintenance budget and a capital budget and for all property within the dark red line in the approved service area there is a capital charge that is billed based on equalized value of the property within the dark red line and that's an annual charge. During the budget process I come out and make a visit, with in this case Mike Holzinger the Finance Director, and indicate to him what is the proposed budget, what the impact would be in this case 2008 and we also give him a 6 year forecast and going out and so he gets a feeling where rates are going to be and what bills are going to be in terms of capital for the next 6 years. It's important also to note because of the Public Service Commissions rulings that since New Berlin is considered a non-member community but is receiving service there, we start with the member rates, those communities in Milwaukee County and in this case it's \$1.28 per thousand of equalized value and then we reduce that, we issue a watercourse or watercourse/flood management credit for work on projects that do not impact in this case New Berlin and for 2008 your rate is actually 2 cents less, \$1.26 per thousand than the Milwaukee County communities. That rate varies depending on the watercourse work. For example if you had went back to the years 1999 and 2000 when the district was doing a large watercourse project called Lincoln Creek which was solely within Milwaukee County, the difference between the member communities rate and New Berlin's ranged as much as 50% lower, it was like one half of the rate. We are now doing a lot of work that is just not in Milwaukee County. So going back we take \$1.26 x \$1,000 of equalized value, or divided by \$1,000 of equalized value and you get an annual capital charge and that is paid to us by New Berlin by April 1st. The other charge was the O & M charge

and that's a user charge. All of the property within the dark red line that's actually receiving sewer service hooked up pays that charge. If there is a vacate lot it will get a capital charge because we are holding capacity for that property at the our facilities, but it will not pay an O & M charge because it is not using the system, but there is capacity, it's available to them as soon as they are hooked up. And that is the basic 2 components that we bill.

Shafer: So the area to the east of the red line that you see, if it is an empty lot within that area, it would pay for a capital charge but not for an O & M Charge. In the area between the planning area, which is the pink line that you can barely see, and the red line, there's no charge for that until the City of New Berlin comes to SEWRPC and asks for different areas to be added to the sewer service area. So there's no real cost to New Berlin for that area between the planning area and the sewer service area. It is just an area that's there for planning purposes. It takes many years to build these regional projects that we are talking about, it can take 5-6 years in some cases depending upon what the project is, so we need to make sure that we have the facilities in place before that development were to occur so we can make sure that we have the capacity that's needed. We also to make sure the population and land use is going to be there and that is why we are taking this adaptive approach with the next Facilities Plan. So in conclusion this long-term process is just a result of good planning. We are making sure that the public's health is insured, we are also trying to support the region's economy. We are making sure that the regional facilities will be there if you need them for future development, but we are not charging you for anything that is not in the sewer service area until you come back and add it to it. We have had a lot of public participation beyond what we have just talked about, the 3 meetings this year, we had a citizen's advisory committee and a technical advisory team that Bill Mielke and SEWRPC sat on with DNR and had a lot of input on that. That's really the cornerstone of making sure that these are successful projects and just to end, the City of New Berlin really controls where that sewer service area is and how it's developed within the planning area. What we are looking at are the flows that hit our system but it's really your call on how development occurs in that planning area. Now, I will just leave this map up so if there are things we need to refer to during questions we can. I don't know if Phil or anyone else wants to talk.

Harenda: Commissioner Dude.

Dude: Yeah, I would like to address a question to Mark Kaminski the Comptroller. I have been on this committee since 1999 as a citizen appointee and I am very proud that during that time we have not had an increase in our wastewater rates. Saying that however those 2 charges you mentioned this year, first of all you represent 74.5% of our budget. We have no control over that; as a matter of fact the citizens in general have no control over that, the Mayor of Milwaukee has all the control over that. So let's knock that one out. This year you hit us with a \$767,521 increase, which is 83.2% of our total increases. You hit us 20% for the MMSD disposal fee and 11.2% for the capital fee. My question is, how can anybody absorb 20% and 11% increases. This is not done in the private sector. The aldermen up here couldn't do it for the City of New Berlin. That's fantastic, 11.2% and 20% increases. How do you explain that?

Kaminski: The first one the 11% increase on the capital charge is primarily being driven by the increase in value of the property within that dark red line. Over, I would say 2 amounts that, the first part is the increase in equalized value. So that property that could have been vacant the prior year now has a home and has been developed or it could even be commercial property that is developed. The equalized value of that property is increased. That's half of the increase. The other half is the amount of watercourse credit that you are receiving. One of the problems we have with the non-member communities and that 's why I try to show the staffs of the non-member communities a 6 year forecast as there rates seem to be more volatile based on the amount of water course work we are doing. So if we're doing less watercourse work that will not impact your community, you are receiving less of a credit. In 2008 the amount of the credit you are receiving was \$270,000 less than what you received in 2007 just based on what work we are doing. So for example, the Kinnickinnic watercourse work, if we did more of that in 2007, you were receiving a credit in 2007 and if there is not that much work done on that project in 2008 you would not be receiving a credit for that. All I can say there though is that you are still paying less than a member community but the volatility of that is subject to the amount of water course we do in our annual budgets. That's why it is important when I meet with the staff I show them the 6-year forecast. This was not unpredicted; I mean this capital component we were predicting that it was going up.

Dude: Mike has done a real good job of that I am not suggesting that at all. You are also telling me that the amount of capital projects you take has nothing to do with it. It is all about we shuffle it around; it has something to do with how much you spend?

Kaminski: Well, we also within the member communities feel the same pressure from the public to keep our levies down. This year our levy increase was 3% for 2008 over 2007. That's the starting point for billing the non-member communities. So we start with that that translated into \$1.28 per thousand non-member community. Then I go to the secondary calculation to issue a watercourse credit. Our levies for the last few years have been 3%, prior to that was 2%, and 2% but we have had these major facilities plans going on, the 2010 which is part of the DNR stipulation and that has to be done by 2010 so the next few years we are on a tight schedule to finish construction work to have that done by 2010. The second plan that was eluded to earlier is the 2020 Facility Plan, some of that work will also begin in there but what the district does try to do is hold its levy limits down. But to the extent the projects that we need to do causes that to go up, we have to recognize that. That was one half. The other answer I would like to give you is related to the operations and maintenance costs and that did go up this year. And the reason for that is we have been forecasting that for the last 3 years, is that the district in 1998 entered a 10 year contract with United Water Services to operate its wastewater treatment facilities. That contract has been a huge financial success to all the residents of our district sewer service area. We are on pace to save over that time period over \$160 million dollars versus if we had continued to run it. One of the key components in that contract related to how energy costs were paid. The district initially agreed with United Water a lump sum commodity for energy that today now amounts to approximately \$535,000 a month. Primarily natural gas, electricity, and fuel oil. The annual escalator for that was tied to the Milwaukee CPI. Well when we started back in 1998 natural gas was at \$2.16, \$2.20 a therm. Over the years it has grown much higher than that peaking in 2005 when Hurricane Katrina hit New Orleans and gas hit \$14 a therm. We were seeing bills at \$2 million dollars a month; however we were only paying UWS 500 and some thousand. They were eating the difference, so the contract is coming to an end and we can't get those terms. It was a great deal, I wish it was a 20-year deal, but they have lost over \$40 million dollars on the contract, primarily because of energy. So in the new contract process when we went out and solicited proposals from firms to do this, one of the major changes was that nobody was going to agree to do the same energy deal we had including UWS, including the company we awarded the contract to on December 3rd to Veolia Water. We now are exposed to approximately 75% of the energy. We have kept 25% of the energy costs still responsible for the company, the importance of there is we wanted them to have a financial incentive to not overuse natural gas, not overuse energy and if they are paying 25%, that is approximately \$4 million a year that they are paying toward energy. The 2nd reason we wanted to have that is we wanted to work with them and use their global expertise to procure gas supplies at lower prices than we could do it on our own. The #1 reason our total user charge billings went up 28.9%. Of that increase, 90% of that increase was due to the expiration of the UWS contract and of that 90%, 60% was purely energy. So, it has been expected, all I can say to you is it's a higher cost than we have had. We considered 3 options. Veolia, taking back ourselves or a return to the public sector and the proposal from UWS. The contract that we did with Veolia Water of North America will result in an estimated \$3.5 million savings compared to the next best option which was return to the public sector and even a greater amount compared to the UWS, United Water Service's proposal. One of the primary reasons was that they are doing this, they proposed a contract with no profit no gross margin in it. I don't like coming in and saying that it's going up 28%; however, we've been saying that, we've been telling the staffs we have been telling everybody that we could that when this contract ends it is going up. We have reserves, we hope to control it now because this was the big switch and we are trying to go through next year, 2009 we plan to use around \$5-6 million dollars of the user charge stabilization fund, but to keep it down. But even in 2009 we are going to have a little increase because the first two months of 2008 are still the old contract. Then beginning in March of 2008 and the rest of the year in 2008 it is the new contract with Veolia, but that's the primary reason for the two increases.

Dude: So you are telling me the next year you are going up CPI and no more.

Kaminski: We are not tied to the CPI completely anymore.

Dude: I want it tied to the CPI.

Kaminski: In the new contract

Dude: I did it in medical I don't know why you can't do it in Water.

Kaminski: The contract that was negotiated with Veolia has 2 components. It has an index just for energy which is not tied, it is tied to the CPI for energy, natural gas 80% of it and 20% for electricity and that's approximately \$4 million of the O & M fee with them and the balance of the \$35 million is a blended index of which 55% is tied to the employee private sector compensation index produced by the U.S. labor department and 45% to the CPI for the Milwaukee Metropolitan area. There is a cap, whatever that index is, excluding the energy, up to 3.5%. If it is over 3.5% then Veolia absorbs it up to 5.5. If it goes over 5.5, I'll use a hypothetical 6% we would then increase their fee 4% up to 3 ½ plus the amount over 5.5. So there is a dead zone between 3 ½ and 5.5.

Dude: What is your baseline on that on gas?

Kaminski: On the gas their fee was approximately \$4 million for their 25% share that we're paying so that will be dependent on the energy index that we will calculate at the end of the year. That is just based on their fee. Then they do pay, we reduce their bill by the actual 25% energy costs are that is just in their fee then we deduct what the actual costs are. Right now we are in the process of negotiating with Intergas our gas supply, because now that is shifting over. In the past that was 100% United Water Services, so we are in the process of trying to lock in a favorable. I hope I can keep it to that, but I'm not going to make a promise at this point.

Harenda: OK. To follow up on that, I have a question Mark; Kevin touched on it a little bit regarding the adaptive approach. The impact on current utility customers in the City of New Berlin? We have, like Bob has stated we have significant increases that are basically pass through costs to the Utility customers and going off of some of the comments made I guess in the press over the last 6 months talking about double digit levy increases from MMSD in years to come down the road, Kevin pointed out that you are going to try to hold off significantly on some of these projects until 2010 which I assume was the point of keeping the costs down. Over the next 3-5 years, are you are going off that 6-year plan that you basically pointed out?

Kaminski: Our proposed levy increases after the 3% in 2008 in our adoptive financial plan is 4.7% per year through 2013 that the Commission adopted. That does not mean New Berlin's bill will be up there. That's the tax levy for member communities again and the amount of watercourse work will impact your bill.

Shafer: But the whole idea for the adaptive management plan is to really try to make sure that we don't invest in something that we may not need because the population and land use doesn't grow as fast as we think it might. So it is really a way to check back as we're implementing these projects to make sure that there is going to be that wastewater flow in the future to drive the need for it.

Harenda: OK. Just to start off too, if anyone else has questions, one major concern, the reason we are having this meeting this evening, it kind of dates back to what Kevin had stated you came before the Common Council back in 2006 and made a comment that the City of New Berlin would have the opportunity to comment on the plan and we always took it as a fact that we would have our own public hearing and make official comments on that and it really wasn't the case. I do appreciate the invite back in April regarding the briefing session but I didn't, at the time the way I read it wasn't like you guys were going to approve the plan the following month and that is the course that transpired. The concern we have as you pointed out in your presentation was that we have all the control here; we make a request, SEWRPC, to the DNR, back to you at the body there. It concerns us that there has been some projections regarding future land use in the City of New Berlin specifically west of Calhoun Road. Our Master Plan leads to like a 5 acre density out there, we are not looking to sewer that side of town, basically septic and well systems out there and some of the documentation that I have seen over the last 6 months I guess and there have been things included in your infrastructure plan which I assume will have impact in the cost and things that you will be spending money on projects down the road that look at a denser development in the City of New Berlin west of Calhoun which is not what we have in our master plan. The concern is, if we want to make corrections I guess and want to make adjustments within the pink line I think you said

Shafer: Yeah, it's really hard to see, but yes.

Harenda: Can we do that after this plan is approved or do we have to wait until 2020 to do this or what's involved here, because that's the concern I guess, there's been things stated and I know people are not confused but there are concerns out there that we are going to sewer the west side of town increasing the density out there and getting away from what we planned for within the City's Master Plan.

Shafer: The future land use and future populations are just what we were provided back in 2002 and SEWRPC had those numbers. They reviewed them and approved them and sent them to us. If you are talking about areas between the red line and the pink line, so west of the red line and east of the pink line there will be no sewers there until you ask for them, so there is no billing for those area. If you have 5 acre or 10 acre development until you come to SEWRPC with a Common Council resolution saying that you want to add area to that sewer service area, we don't get involved with it. So if you are planning on water and, or well and septic out there, that it would be something that is beyond MMSD. The only thing that we would ask is that when you come and add area to the sewer service areas that you don't create islands an area within the sewer service areas that's not serviced for sewer. Other than that it is really up to us and your control and however you want development outside of that sewer service area is up to you.

Harenda: Back to question is if we want to eliminate something, to adjust those pink lines can we still do that?

Shafer: The pink line, the planning area?

Harenda: Yes.

Shafer: It has already been adjusted once; the New Berlin West High School was added to the planning area. I believe you could go through that same process that I outlined before, going to SEWRPC, DNR and so forth if you wanted to change the planning area, but for us it is just an area that we use to determine size of regional facilities.

Harenda: I guess that's the point, if we made adjustments and we don't plan to utilize sewers in those parts of the community, you are utilizing and spending money now for the potential infrastructure in the future which might be needed I guess. It goes back to your main point before you are going to wait until 2010 to spend any money.

Shafer: But we are not spending money on that area.

Harenda: You're not. OK.

Kaminski: We're not, in the pink area west of the dark red line. We are not spending any money on infrastructure there. The only time we have to have the infrastructure, if we change the dark red line to add service, then we have to insure that you have service when that gets hooked up, and if that meant an interceptor or additional capacity at the treatment plants we would have to have that.

Shafer: You have to understand we're looking at 411 square mile area, not just the New Berlin area, so we are looking at the entire sewer service area. There's improvements that has to be made for that area and you are not paying for anything outside that dark red line there.

Harenda: OK. Any there any other questions? Alderman Ament.

Ament: Yeah, it gets a little confusing based on the information and maps we have been given especially over the years but the maps that we have been receiving over the years and I have several of them starting with 2002, 2004, 2005, they basically follow those lines there but the most recent map that we received which kind of came up as a surprise through some of my questions to staff was that all of a sudden we were presented with a plan that we were told was approved by the Common Council in the 70's, like 74 or something. I tried to print this map several times, but I am only getting I'm losing the top and the bottom of it so I don't have a complete map, but there are areas now in that that were not in the original besides New Berlin West that were not in the original plans that we had here and I heard you guys talking about the things that were especially in the first page of your PowerPoint that pointed out that

the Common Council primarily would have the final decisions on this, yet they never did. And some of the reasons that were given to us by Staff and the Mayor were that you guys got so far behind on getting the plans together that it prevented the public hearings that the residents and the Council were promised or expecting. We were regularly told that they weren't involved in the plans, yet when I go back and look at the some of the information that Phil had supplied to me from past meetings and minutes of those meetings, I don't know if you want to say they are minutes but they are an outline of what was discussed, there were people from the Commission, Dave Schilling, Bill Mielke from Ruckert & Mielke, there was David Haynes, Ray Gryzs, Greg Kessler, JP Walker, Larry Wilms from New Berlin. One of my questions is to determine whether we were, we as a City, were informed and involved in some of these decisions where we were being told that we were not. I know we were not up here, but apparently Staff and other people were.

Shafer: I believe your first question was were there any changes from 1974 to that pink line up there, I don't know of any other changes since the 1960's, now maybe Phil or Bill do, but I don't know of any other changes to the pink line except for the High School that we talked about. As far as participation in the process throughout, it started with the City of New Berlin. You gave us your populations and land uses and told us what you thought it would be for the year 2020 and then we took that and we met monthly and sometimes every 2 weeks with what we call the Technical Advisory Team and the Technical Advisory Team is comprised of SEWRPC, DNR, Bill Mielke and some of your staff at those meetings and we worked through the population issues, we worked through all of the project issues, looking at the lowest cost to deliver the best product for the City and then we came out in 2006, I apologize if you thought that we were going to have another public meeting here at the Council. We did do the presentation in May of this year and at the presentation we said if you would like us to come to any of your Common Council meetings we can. None of the 28 communities asked for that so I believe and I know SEWRPC was involved, Bill Mielke was involved. Bill Mielke probably gave us the most comments of anyone and I think there was good communication back and forth.

Ament: And I agree with that there was good communication between the City and you guys based on the information that both Phil and yourselves had supplied to me. The problem was that we up here were not involved and were repeatedly told over about a 2-year period that we would be and that the final decisions would be made by Common Council. And one would think that even before the Common Council got it if there were changes in some of these, I look at what Phil had sent me that says Community Meeting Phase 3, City of New Berlin March 25, 2004 which says that the staff requested that the boundaries be modified and part of that is to include New Berlin West, but it also talks about the revisions to the land use map based on information provided by City Staff. And at the Common Council in 2004, I'm sorry the Plan Commission, to my knowledge we had no discussions in changing the densities or the populations. The biggest area in question is not, I don't believe is shown on that map. Again, it is a little hard to follow, but I am mostly talking about the southwestern section from about National Avenue and Calhoun Road West and South and according to the most recent map that I was given that shows what we used to call the ultimate area which is part of your planning area, is in the terms we were given as going to be now in the future sewer service area. In other words so you guys can plan for it if we request it.

Shafer: If you request it.

Ament: If we request it. But that leads me another question. First of all some of these lines did change maybe not that you guys saw but from the maps we were given over the years to what I am seeing here they have changed, not dramatically but they have changed. But, if you're in an area, let's say you own a 50 acre parcel and you are in this now future service area but you have not, it has not been requested to be included or to be sewered at this point, and this is the question I asked you the other day on the phone and I told you I'd follow up and hopefully I am going to make it more clearer than I did then, and that is, let's say you own a 50 acre parcel, you are not going to be sewered and somewhere down the road you maybe want to develop or you have a smaller parcel and you want to hook up to sewer and the City is going to request it for you, when and what kind of fee or charge applies to that parcel. Does it go back retroactive to 2008 or 2010?

Mielke: I think one of the things that we had discussed once before is the policy as it is currently adopted by the MMSD Commission is let's just say that this plan gets adopted which we expect will be in 2007 and in 2010 your 50 acre comes to the City and the Council passes on it and says we should include it in the

sewer service, they petition and let's say it all goes through. When that goes through as part of that transaction, what they do is from 2007 to 2010 there's 3 tax years that are there. The taxes that would have been levied on that property had it been in sewer service area would be then collectible from that property in order to come into the sewer service area.

Kaminski: What Bill is referring to is the proposed policy that we did bring to the Commission at the Committee level in February of 2007, or I'm sorry this summer and it was at this time tabled. So it hasn't been totally passed, but he is correct if we pass that policy we would go back to the year the most recent facility plan was adopted and charge for those years. But currently as it stands until that policy, it would start, if it is 2010, you would start going from the next year forward being billed for capital charges and then O & M charges once you were actually hooked up and using the system.

Ament: So they wouldn't go back to 2008 necessarily?

Kaminski: At this time, but just so you know the Commission could change it, they have a policy, but they have not acted on it.

Ament: And that's obviously to help pay for infrastructure or for the improvements to cover the cost of those improvements should somebody ask for it.

Shafer: Exactly.

Kaminski: And the key and the logic behind that is that we think it is important to discuss those changes at the time you are doing the facility plan so that we can make sure there are no issues. As we talked earlier about financing plan and what our levy is going to be so that you don't come in and maybe 6 lots is not going to be a problem but if you were talking a major development after we adopt the facility plan then we are going to work on how we are going to pay for this if we need another interceptor or additional capacity. So that's why we are trying to say the logical time is to do it in our facility plan process.

Mielke: And one last thing I think we brought it up last time but just to be clear let's just say it comes in 2010 and you have to pay the taxes that would have been levied on that property had it been in, that goes on all the way to 2020, so even 2019 you'd pick up all those past taxes. In 2020 it drops back to zero again and it starts forward from 2020 so it always zeros out at the end of every facilities planning period so if somebody is here and they're going what if I don't connect or apply for sewer service until 2050. Because you got to understand the planning that they are doing when you have this large planning area is for anything they build, much of which they have an asset life of close to 100 years for large interceptors and whatever, so there could be some of these properties on the west end that may never petition for sewer service for the next 50 years. It is not 50 years of back taxes that they have proposed it is only that planning period.

Ament: To 2020.

Mielke: Yeah, and then from 2020 it would go to 2030 and drop back to zero. What's the worse case, you would have 10 years then probably of uncollected taxes.

Kaminski: And the policy just said land too so even if you had the case if you had a home on a failing septic system we would not tax for the capital improvement it was mainly a development issue rather than a system, because we want failing systems onto the sewer. So it would just be on the land.

Ament: And that would be based on property value or land value at that time?

Kaminski: In those years. Equalized values in the years. We would go back and calculate each year.

Shafer: For all 3 years.

Kaminski: We go back to your tax key information.

Ament: If somebody would decide to bring in the 6 lots or 50 acres or whatever the 50 acres primarily, they would based on property value would have to go back, let's say they brought it before 2020, they would have to go back to probably 2008 right?

Kaminski: It would be starting in 2008 because of the current facility plan. But again that has not been formally approved.

Shafer: And we are expecting DNR approval of the facilities plan by the end of this year so next week or the week after and once we receive that we will take that resolution to the commission to see if they want to consider it at that time.

Ament: And that again is one of the reasons, it is not necessarily reflected on you guys but the communication within our City here is why I thought it would be very important between the Plan Commission and the Council to have an opportunity to let land owners and residents in those potential areas know before the decisions were made and we are at the point now where more than likely the DNR is going to approve what has been laid out, but we were basically, the residents and their elected representatives, we were kind of in the dark here expecting that there would be opportunities for us before the changes were made or the issues had changed or the policies that we would have that opportunity for people to try to try to influence it one way or the other. We really didn't get that opportunity but.

Shafer: I don't know if this helps but every month we have a Commission meeting, we have an agenda of items if you would like us to include you on a list of what those different items are every month and you can see it directly from the district and if there are questions you can ask me, I'd do anything I can to try to improve communications if we can do that.

Ament: I don't know about anybody else, but I sure would like to be included on that. It doesn't mean that I could make it, but like you said we could look, if we couldn't make a meeting we could see that's on the agenda and if we can't make it we could contact you and get the information. Like I said on the phone the other day, I picked up a lot in the 5 minutes we were talking.

Harenda: A follow up question to Alderman Ament's question is what concerns me is that we have control over what we want to petition to advance or withdraw from these areas. A couple years ago we requested a movement of the line for Ronald Reagan Elementary School, you guys went through the process and approved all that. The concern that I have with what happened with SEWRPC is that, New Berlin West I guess for example. I remember that I have been on the Utility Committee since I was elected back in 2002 and we took action, I guess at the Utility Committee level that we did not approve that request of the school district at that time and all of a sudden arbitrarily it ends up within the plan. This Committee as well as the Common Council never took action to move that line, so that's the concern I have is why we never took action, we weren't aware of that. I know it happens, but from an elected standpoint or even the Committee level, we never got to weigh in on it.

Evenson: That change alderman was to the ultimate planning area or the MMSD planning area whatever you want to call it and was made, it came out of meetings we had with your staff. We are not privy to communications between your staff and the Council or whatever and I can't comment on those but, it was added, it came out of those discussions, but to this day it is not in the planned sewer service area. It's only in the planning area just like lots of other parcels that lie west of that dark red line so it didn't effectively change anything, it just gave you the ability to someday if you want to, and the school district wants to and you come to an agreement that it needs to be added to sewers, it seemed to make common sense to add it to that area. You're still in control.

Ament: You know and that's, I agree with that, except for there is one problem, that we see regularly and I do it myself, hell I'm sitting here right now with our Master Plan and I quote from it all the time, and it's a plan and we are constantly told it can change, but yet it's a plan and it's forever and every staff report we have at Plan Commission, this is the plan and this is why staff is recommending approval or denial or modifications or whatever because we have a plan. We just saw that with the Transportation Plan the 2035 Transportation Plan. It's just a plan it doesn't mean anything, you can always change it, yet just in our last staff report there's a reference to the 2035 plan and how it should be followed and that is where the residents and us get concerned that once this plan is set and approved, you go back and say this is

MMSD's plan, SEWRPC was involved, the City staff was involved and DNR was involved, how can you not follow that plan. And that's where myself, when I look at some of these things is we follow the plan and this isn't necessarily your guys situation, if you go back to some of the plans that we have like our Growth and Development Master Plan, growth should be controlled in an effort to limit the need to expand urban services beyond the urban areas, existing urban areas and I can go through this thing and I've got bookmarks I've put in here in the last week or so of all the references to the plan and what we should and shouldn't do and we try to follow that. Now if we get a plan from you guys and we've got the Smart Growth coming along these plans are going to be even more important because I can tell you right now if a developer comes in and wants to develop a fairly large parcel, and Joe Smith's lot is in between those two like you said you don't want spot areas, their going to end up getting that sewer service whether they want it or not. We just got done going through that about a year ago here on Moorland Road for developing area potential we extended water and sewer and those people ended up with it, and well it was in the plan. We can't fight that plan. So that's a concern these people have. I'm only saying this so you understand it and I'm sure you guys go through this too. You guys probably want to do one thing, and they say well that wasn't in the plan or that was in the plan and you shouldn't change it. And the more agencies that are involved the more you are going to see it. Once this Smart Growth is done in 2010, all of these plans, every transportation plan all of them are going to come together and it's going to be very difficult for us to say yes or no differently that what the plan says. And that's the frustration that myself and the other aldermen and especially myself and Alderman Harenda because it affects more his district than any other. We're troubled that the implication was that this went on without us and that it, you guys were running behind so that we never had a chance to involve the residents or their representatives which are the aldermen and that's where we ran into a problem and again, I am not trying to dwell on this too long other than, and besides that there were some meetings that some private residents had with Waukesha County and there are some more agencies that were a part of this whole thing, where they were told that nothing would happen, this plan would not be implemented until there was an opportunity for the residents to have a public hearing. And again, the onus kind of fell back on you guys, that you guys fell behind on your plan. We also had a resolution that was passed, Resolution 07-10 asking for an extended time period from the City of New Berlin, it was approved by the Common Council, I do believe unanimously to ask for an extended time but basically that was turned down because the DNR is required to make their decision by December 31st.

Shafer: Actually we did extend the time period to receive comments. We kept, we approved our plan by the end of June, which was required by the DNR, but then we took comments, I believe was it September Bill?

Mielke: Something like that.

Shafer: Into September of this year, so we did extend that from June through September and then we just took what comments we had and we amended what we provided to the DNR in June. So we did extend that period as you requested. I've read through the resolution that was passed by the Common Council and every item that you asked for we're in the process of working on and really moving through the guidance that you provided so we did extend that because there was, we had a resolution, not a resolution, a stipulation from the Department of Natural Resources, a court order that said we had to meet a certain date, so we met that date, but we took comment beyond that and then amended the plan as we could.

Ament: Then somewhere along the line did anybody mention to you guys, that for example that the school district had voted to not, they did not want to be included New Berlin West I believe this was in 2006 and they took it out of their plans and out of their budgets, their CIP's, or whatever, they took that all out of there. So that is another reason why I think Alderman Harenda mentioned that we were still a little surprised that the continually was in there even though the school district said they were not going to utilize that. And I know what I am going to hear I'm going to hear that well you don't have to include it, but the fact that it's in there, I go back to, it's a plan and it depends upon how convenient it is for somebody whether we follow the plan or change it and those are just some of the issues that I had with this whole process that unfortunately we went through here at this level of not really knowing what was going on.

Evenson: If I may respond, I appreciate the Alderman's comments and I think we all can work to improve how we undertake these planning processes because they can be overlapping and confusing especially to individual landowners who don't work on this stuff day to day. Did we hear about the school district's

change and whatever? Yeah, I think we did, by that time we had already conveyed the City's desire as we understood it to include this in the ultimate area, the process was well along and we can't just continually change that easy. But we go through cycles and I'm going to suggest that the Committee and to the City that we look forward and not backwards anymore and because I have been asked to serve on a special subcommittee to help the City in completing in the next year or so its Smart Growth Plan and I think that's an important planning effort. I do believe in planning, obviously I spent my whole career on it. Sometimes we'll see things differently in the regional plans because our charge is to look at all of southeastern Wisconsin not just the City here and sometimes we differ and we make recommendations and then we get feedback from you and we change those recommendations and the most obvious example of that is our old recommendation to extend Johnson Road both north and south and that's no longer on our plan so we listened to you and we changed. But as you proceed in the next year or so to make your plan, I would argue that that is the appropriate time for the City to relook at all these lines and you are going to be making a new updated land use plan. Land use is important. Land use is the beginning of all infrastructure planning because land use determines demand whether it's trip making for roads and transit or whether it's flows for designing sewer systems, land use is the key. So, I think in that land use planning process you ought to ask and definitively answer for yourselves whether or not the next time you get approached by SEWRPC and MMSD to begin what will be their 2030 planning process, and that will probably start in 2012 or 2013, somewhere in that area, that's not that far away. Then you can have a firm policy position endorsed by the Council here if you want to shrink that MMSD planning area. I think it's in your ability to ask that it be shrunk. But it has got to be clear direction. It should be based upon sound land use planning and sound policy decision-making. Personally I don't know why you'd want to do that but I respect your decision, if that is your decision. Because from where I sit, you've got the best of both worlds. You've got the ability to go out and solve septic tank failure problems if you want to and if you need to in future years, but if you want to give up that flexibility, if you want to give up that little insurance policy that's really not costing you anything now, that's your decision and we'll respect and I would guess that MMSD would respect it too. That's where we ought to move forward to in the next few years.

Ament: And I agree with not looking back, except for you can learn from history and my reason for looking back is to try to prevent that in the future, this type of, and again I'm not trying to single anyone out, but this type of miscommunication to us who are representing those folks out there who were told they were going to have an opportunity to really look at this in depth and comment to us so that we could make the decisions that they want, and somewhere along the line we lost that but I do agree with looking forward. Johnson Road is a good example though of the years, the amount of years we spent trying to change that because it was in one plan, then it ended up in the County's plan, the SEWRPC plan, and every time we tried to change it at one level, we were told it came back because it was in the County's plan or the SEWRPC plan or whatever and that is, it took a long time and a lot of hard work by residents and meetings and people getting upset about that. The last thing is, I'm trying not to dominate this whole thing but you mentioned changes in the land use plan for Smart Growth and I hope that you weren't told that we were going to making some major changes in the land use plan that's coming up for Smart Growth because I was specifically told several times by Greg Kessler that was not part of what we were doing for Smart Growth. Hopefully we won't be looking at doing that, and if we do hopefully the Plan Commission and Council will be involved in it this time.

Evenson: No. For the record I've not been told that.

Ament: OK. Thank you.

Harenda: That's something new that I've heard. We are looking at parts of Smart Growth.

Evenson: I just said it was an opportunity to adjust your plan OK? However large or minor the adjustments may be and how you deal with the future potential sewer service area, those are all to me fair game for issues to be put on the table and discussed and decided. Then you'd have a firm position in 2012 or 2013 when Kevin comes to you and says its time to start our process all over again.

Harenda: That's the point I wanted to make, I mean we're, Phil your job and your organization, your agency, are more of a regional agency with all of the counties involved. Kevin's area is more isolated, a smaller portion of that. I understand the big picture approach. The concern here is the information that we get we try to filter to our constituents. We're representing residents in the City of New Berlin, Utility

customers in the City of New Berlin, things that happen in our region don't always benefit the City of New Berlin and the downside sometimes, I mean we're all big in regional cooperation. Our Mayor's been doing a lot in trying to acquire Lake Michigan water for our other side of the Utility customers. The concern is that sometimes we end of paying either as taxpayers or as Utility customers paying I feel sometimes I guess a good chunk of costs that don't really benefit the City of New Berlin or the Utility customers, for example Stormwater improvements. I know that we got benefits for our I & I improvements and we got additional capacity so it has swung both ways sometimes but the big concern is when you look at the regional thing, is it something that we want in our City and do we want to get on board with that. All of us on this Council as well as appointed Commissions and Committees want to work for the betterment of our state and our southeastern part of Wisconsin, it's just that getting all of that information and trying to filter it through us and getting it to 2,000 to 40,000 people in the City of New Berlin is not that easy. I think that Alderman Ament pointed out that there is a perception out there on certain things that may or may not be true, and that's what we're trying to get through all that foggy areas I guess and get that information out, if that makes sense. Does anyone else have any questions? I guess what we want to do is we were going to request written question, but I have Sue up there had a sign in sheet, and what we are going to try to do is if any individuals in the audience would like to ask questions, would you please sign up on the list and we will go one at a time through that. If possible please, we'll go through that. Individuals that are here can answer any questions you may have, you have 2 minutes to ask your question or whatever and respond and let the next individual go, if not we will wrap up our meeting from there. What I am trying to accomplish by this is collect any comments made by the body and verbatim minutes as well as any comments made in the audience and any comments that have been forwarded on to our City staff, the aldermen on the various committees and then submit that information to the DNR, SEWRPC, MMSD I guess. And Kevin, just to add onto one of the comments, a question, I know that Alderman Ament hit on this, I did question the DNR and requested them to try to extend that but if you want to explain to the audience I think there is a lawsuit or a timetable that the DNR has to take action on this by December 31st correct?

Shafer: You are correct. We call it the DNR stipulation, the court order that said we had to have the 2020 Facilities Plan approved by my commission by the end of June this year and that the DNR had the last 6 months of 2007 to review and approve it so they have to December 31st to approve of that plan.

Harenda: OK. Thank you. Alright is their any individuals, give your name and address and then ask the question, keep it to 2 minutes and let them answer it and let the next individual then come up.

Paul Lincoln Schuebel 19890 W. Julius Heil Drive. To clarify, the DNR had until Friday at 4:30 for comment from the public, this last Friday. That was their deadline listed on the website and I did make comment regarding that. Another clarification is that back in 2002 and a number of other times I did talk to the Council here as far as we that would have an opportunity to comment as of December 31st when the plan came out of MMSD. The problem really was in fairness to SEWRPC and MMSD is that we did not choose to have a public hearing, so really that responsibility was ours and there was one question from about 20 pages of emails with Kevin and Phil, we were talking back in 2002 when we had that question of what would be included in the sewer service area planning, that it came from the staff straight and I remember Dave, I remember that I told it happened and our head of the Utility at the time I informed and found out that Phil Evenson had let me check those maps out and actually clean up some of the discrepancies between what is actually being population projections that were not keeping with our Master Plan. So we got those cleared up. My main question those, is regarding the extension of sewer without taking into consideration the goals and objectives of the water quality initiative that came out of the last couple years of planning. My concern is that Phil Evenson has said to our Council that it is not appropriate that we divert waters from west of the divide into the east. If we had well water that has radium and or different compositions of hardnesses and all the salts that soften that water, it is not appropriate that MMSD take that water from west of the divide and basically contaminate Lake Michigan. Therefore if we extend the MMSD area without water from the Great Lakes we're creating environmental problems that are not supposed to be, it is contrary to the goals and objectives of the Water Quality Initiative. Therefore what will you do Kevin in order to make sure that those goals and objectives are adhered to and not just left up to some developer who wants to have sewer but we don't have water? In our current Master Plan the problem is the developer, it doesn't have to be the City, if the developer asks for sewer and its available, and the facilities has the plan available, then we, our Master Plan says the number 1 guiding principal that the Council has to be affirmative to approve those requests and also our ordinance says that we're supposed to follow the master plan. So there's a certain developer driven,

demand driven policy in place here that really runs contrary to wise planning policies as far as environmental problems and so, please would you consider, and this is my comment to the DNR, that we would not extend sewer without water from Lake Michigan to make sure we aren't contaminating the Great Lakes or dewatering our aquifer and turning to private wells. I know you said that it is not, but we've had this discussion before. Please comment on that.

Shafer: I am not sure what the question is but, we don't have control over the drinking water, as you know Paul. We have to look at that as we move forward and as long as the plan, as long as the request from the Community follow along with the plan, you know it will go through the process of SEWRPC, DNR and MMSD. Whether my commission approves it or not at that end point is entirely up to that commission, but it will go through a lot of review and public hearing up to that point as well. So it will be after SEWRPC receives a request, there will be a public hearing and I think it is really for the public to decide and let the community know and the Common Council know how you want it to go forward and then SEWRPC and DNR and MMSD I'm sure would all take that into account as would the Common Council. But the drinking water issue is much bigger than me and I'm not prepared to really comment on that.

Scheuble: Phil, as far as the planning division does the idea of extending sewer without water. We talked about this earlier.

Harenda: Paul

Scheuble: This is something that Phil should comment on because it is a big planning issue.

Harenda: Just summarize. Go ahead.

Evenson: What I've told Mr. Scheuble is that sound water resource planning principles would not transfer water either ground or surface from one water shed to another over a major divide and if you're going to take sewer across, in this case the subcontinental divide, then you ought to combine it with water so that you're taking out from Lake Michigan, for example and really sending it back. You aren't transferring water from this area of the City to this area of the City across a major divide. That would be consistent with sound planning principles.

Scheuble: Thank you.

Harenda: Anybody else. Sue anybody else.

Mary Hiebl 20160 West National Avenue – I don't want to beat a dead horse here but I do think it is unfortunate that perhaps by December 31st the WDNR is going to be approving this plan and that the residents of New Berlin feel somewhat left out. I don't want to stand up here and point fingers, but somehow I do feel we're left out of the process and I don't know how many people in this audience are going to get up here and stand up, but I'd like to see a show of hands of what the audience thinks here. How many feel that they have been left out of this process? And that is unfortunate and I know that we should look forward but there are a lot of things that are set in place right now and the question I was going to ask, but Paul Scheuble asked it is about this overriding principle of the Master Plan that if a developer does ask for sewer and if there is the suitability of land for development the response from the Common Council has to be affirmative, as I right? Is that not a problem?

Evenson: That would be a principle I assume is set forth in your own local plan. That's not something that.

Hiebl: Yes, yes. That's what I'm referring to.

Evenson: I guess that is not a question that any of us can answer.

Harenda: Alderman Ament do you have any thoughts since you are a representative on the Plan Commission? Or the Mayor is in the audience, I know he is the chair; did you want to comment on that or JP?

Hiebl: I just feel that the public is hamstrung by that then. You know you're talking tonight about that we should look forward and we should go forward and the ultimate decision is the Planning Commission and the Common Council, but I have a huge question mark with that.

Ament: Well, you asked me I guess my opinion on that from the Plan Commission perspective and as an Alderman. We are regularly told that we do need to follow the laws and we do need to follow our ordinances and our plan, our Master Plan and SEWRPC's plan and MMSD's plan and Waukesha County's plan and the State's plan and Smart Growth and whoever else has got plans out there we need to follow those and if somebody comes in and requests, say a rezoning and let's say a 50 acre farm parcel and the Master Plan says that future land use shows that would be suburban residential or urban or rural, whatever designation it is, we don't have the ability to say no. As long as they meet the codes and even at that they can request waivers but we don't, in my opinion have the ability to say no. There's been things that I've had to hold my nose while I pushed the button approving, because we really don't have a choice. Another example of that maybe a little bit stretched out is the church issue. That was a land use issue in my opinion and not a church issue and we were left with no alternative when all was set and done to approve a certain plan. So, when plans are in place, we have to follow those plans, that's the way I've always viewed my position on the Plan Commission and the Council. If it's in the plan or another jurisdiction or another agency has control over it, we don't have any choice.

Hiebl: Thank you and this next thing is just a comment.

Ament: The City Attorney would like to comment and he probably knows more about that than anyone.

Harenda: If you can comment Mark I would appreciate it.

Blum: I think it is easy to talk on this topic at a 30,000 foot level and say that in general we want to be consistent with the plans that are adopted by the City, but when you are talking about individual circumstances I don't think you can make a universal statement in that regard. Yes, we do have a consistency requirement that our zoning decisions meet our Master Plan and yes if our zoning categories and our zoning districts allow for certain types of permitted use, I'm going to advise the Plan Commission that when an application comes in that is consistent with that use in our Master Plan, that that needs to be approved because you've already made decision as to what those uses should be. That having been said, when you're talking about sewer issues and really that's the substance of what the question was, there are infrastructure practical determinations as to whether it can be extended in a particular area and what the costs and so forth would be. There's other issues in terms of the consistency of the particular plan with the development, so I think to make an overall statement that just because the plan might allow for a particular area to potentially be served, that simply because an application comes in that you must serve would be an overstatement. And I think there is a lot of factors, land use, infrastructure, practical realities of extending the service to that area that would have to be looked at in conjunction with that, so while I think the comments that are being made regarding consistency with planning are certainly appropriate I think you also need to realize that you need to look at specific circumstances and that land use consistency with respect to the Master Plan and our zoning districts is somewhat separate from the decisions being made with respect to extension of sewer service. So I hope that helps.

Harenda: Hang on Mark, just to follow up on that I guess from a scenario standpoint and that's a concern that people in my district on the southwest corner of the City, as I will use as an example, we are looking to expand sewer further into the Westridge area per our Master Plan. I don't have an issue with that, but basically we had a development that came forth a little while back, the Wildwood Preserve, OK, and they were putting mound systems in but staff had requested that we put a dry system in potentially because sewers might be extended there. For example, what if the developer came in and wanted the sewers versus the septic systems and we had the interceptor basically right where it was over by Westridge and by extending that, he requested that do we have the opportunity since it is 5 acre density out in that area is to deny that without putting the City at risk and saying we don't want sewers in that area versus we want sewers. You have to give to me basically. In between that potential development and where the interceptor is, where the mains are located you have an existing higher density subdivision that's on well and septic now, bringing that interceptor through forcing those individuals to hook up just to feed a new development I guess is the is a concern and the perception that people on the western side of the City see. So, I will throw that one at you.

Blum: I understand that and I don't want, first of all this is more than just a utility service issue it's also a planning issue so really this is part of the question that you are asking it would have to be a Planning Commission determination and I don't want to deal specifically with the Wildwood Preserve situation, but just hypothetically speaking, if you have an extension of sewer past a certain area and you have a developer that then requests to connect to that, is there some logic in doing that? Perhaps, but to say that it is an automatic would suggest or would call into question why you would even have the approval process in the first place. The reason there is an approval process is because there are specific circumstances that are germane to individual applications that require that to be analyzed both from a planning perspective and from an infrastructure perspective and that's what would have to happen in each situation. So my comment would be, in general, no I don't think that it's an automatic in any instance. It does require analysis to be done. Are there certain circumstances which would suggest that perhaps it's more appropriate in one issue than in another? Yes, of course, but to say that it's an automatic and that your hands are tied and that you have absolutely no opportunity to object to that, I think that's an overstatement.

Harenda: OK. Thank you. Just to tie our agenda item. We don't want to get too off the agenda, but that is the question I am raising with you gentlemen, basically the 2020 Facilities Plan has got that ultimate area out there and that's the concern and the perception within the majority of my district in that area. All of a sudden this plan is approved and sewers are going to sprout in the western half of the City and that's the concern. Mary go ahead, can you summarize?

Evenson: Could I just before she

Harenda: Sure

Evenson: Could I make one comment. As we do move forward, I would encourage everyone to take your local planning more seriously than ever before. The reason I say that is we understand the so-called Smart Growth law. The date of January 1, 2010 is the date in the law that you're supposed to ensure that your zoning map and the land uses that the zoning allow are fully consistent with your comprehensive plan map. That's never been a requirement before in Wisconsin and I'm told it was put in there at the request of the builders and developer's associations who got frustrated by coming into Common Council and seeking approval of projects that were basically consistent with the City's plan, but then they couldn't get the zoning changed to be consistent with that plan. Well now we're told these 2 things have to be congruent in the future coming up. So, I would urge you to, again as you think through this new Smart Growth Plan over the next year to 18 months whatever it's going to take, take it very seriously because it in my view it's no longer going to be a guide it's a blueprint and you should straighten out these questions between land uses and utility extensions, that's your opportunity to do that.

Harenda: Thank you Phil. Mary.

Hiebl: Once sewer becomes available, then does that give license or authority or leeway for the City to change zoning and density in that area which was previously five acres? I guess that would be a question for perhaps?

Harenda: I guess from the standpoint of how I look at it and the perception is that it's still a decision made by the Common Council of New Berlin and you follow the Master Plan, but yeah, I get questions from my constituents that I can say that you are never going to have sewer specifically in certain areas of the City but I can't never say never if there is potential capacity or potential service there. It's based on the elected officials that make the decisions for the people that elect them so.

Hiebl: Well this probably you know pushes the envelope right?

Harenda: It could. At least from my standpoint, but I won't speak for anybody else.

Hiebl: And then one last question. Does this substitute for the public hearing, what we're doing now? Is this a public hearing?

Harenda: No, it's not it's a special.

Hiebl: So there really was not a public hearing on this entire process, and a public hearing is a component of this process right?

Harenda: Not officially of this process. The intent was, the perception of the elected officials, the alderman I guess up here and how I perceived it, and I will speak for myself is when Kevin came back in 2006, we had thought we had the process to internally discuss and possibly at what we were looking at was holding a public hearing on MMSD's plan when they got to the point of approval. They approved it in June and it was forwarded on and we were looking to hold a public hearing on that, but correct me if I'm wrong Mark or Kevin, legally according to your guidelines and what you had to follow within this specific regulation you held your public hearings which we were involved in, our elected, not elected, well our elected officials as well as our appointed officials and people we had speak on behalf of the City of New Berlin to make comments at those hearings. No, I don't think we legally had to have a public hearing in the City. The intent was we would have liked to have one prior to the formal approval of the 2020 Plan, if that answers your question or Kevin you want to add to that.

Shafer: Yeah, we did have 2 public hearings on April I think I said 25th and 26th. Those were advertised in the Journal Sentinel. We also had the May 9th meeting I think I said which was really for the communities officials to come in and to try to answer questions there. So as far as on the regional plan we did have 2 public hearings plus a public information meeting.

Hiebl: So theoretically you did. Theoretically there was a public hearing but there wasn't a public hearing on the local level and had I known that, this is my last and it's a comment. Back in November of 2006 there was a meeting where we had MMSD representatives and SEWRPC representatives for the public in the public library and I have here the hard copy of the PowerPoint presentation and the PowerPoint presentation I quote," It is anticipated that sometime early in 2007 that a draft 2020 Facilities Plan and Regional Water Quality Plan will be available for discussion by the Plan Commission and Common Council" and I have looked for that and that never happened and so, that is an added disappointment tonight and in some way I feel that the democratic process has been avoided. Thank you.

Harenda: Thank you.

Stu Baratsky 19151 W. Inez Drive: You know me I think, Harenda. I want to know under this new plan are these developers going to be able to come into our area and with parcels of land and request sewer that's going to involve some of us or something like that.

Harenda: I guess from the standpoint, at least the position of the Utility Committee and the Common Council and the Plan Commission is that any request to bring in sewers or address or adjust any zoning areas would require a public hearing and a process to go through that. Where you're located you're a little bit east from where I live and Phil if you want to address this right now, the interceptor is somewhere off of Sunny Slope Road and for us to bring sewers to the far portions of that western portion of the City if it did occur. I mean there's a number of years we are looking to address the Westridge Industrial Park long before Section 35 area before we get into the outlying areas of the City of New Berlin.

Evenson: Yeah, I can't comment on the specifics of the plumbing arrangements to serve any particular parcel.

Harenda: Or Kevin I guess

Evenson: But I will say this. We have never changed the red line, the sewer service line without a public hearing right here in this building and we will continue to follow that practice. And I will also comment that the new 2020 MMSD plan doesn't change the rules of the ball game from the 2010 MMSD plan. Nothing has changed as regards to the City and the processes for extending sewers within the City. It's just an update plan.

Harenda: OK. Anybody else Sue.

Jean Crotty 5345 S. Majors Drive: Is there a statute or a rule that requires that there be a public hearing before the Wisconsin Department of Natural Resources takes action on the Facility Plan by December 31, 2007 and if so what's the number and how can we find it?

Shafer: I don't know the exact number, but I believe the DNR did have some hearings on this as did the district, but I don't know the exact statute number.

Harenda: Can you check on that and just forward it to me then and I can pass it on to you?

Shafer: We could try to find out yeah.

Harenda: OK

Crotty: Well and if hearings are held, it would seem very essential that they be widely publicized. If nobody knows about them. I know Ralph Heun and my Alderman Harenda that's where I got my information from and from flyers put in my paper box and when I called the reporter and I asked him about this meeting tonight, he first had it in the paper today and I said, because he didn't know about it and he said that well he has a little something in the paper today, but how many people are going to look at it and be able to come to a 5:00 meeting after work or whatever and with your eating supper and all that. I think so much more attention should be paid to the public that they're knowledgeable about what is going on with regard to this. I'm very concerned about this. I don't want a sewer and I don't want water and I live in a major subdivision and I know when they wanted to get us in Regal Manors, in the paper a map was published showing we weren't in that Facility Plan for Regal Manors to use the interceptor and when you got to the meeting we were in the plan. So it's one thing in the paper you aren't in the plan, when you get to the meeting you are in the plan. But that wasn't really brought out a lot at the meeting, the Facilities Plan was passed and I happened to get a copy of what the map was for what they had passed and it was totally different than what was put in the paper and I think that things have to be done much more truthfully and to get the correct knowledge out to the public and in plenty of time for them to act and as for these 3 public hearings, it seems to me that what's being said is that these hearings were held on the Metropolitan Milwaukee Sewerage District Plan that that was the one where the hearings were held because I didn't know of any before this. This isn't even a hearing. Before these notices were put out by Ralph Heun and by Ken Harenda that's the, and through these flyers I happen to have them put in my paperbox, otherwise I wouldn't have known about them. I'm very much interested in this. It was, when they tried to get us into the Regal Manors sewer interceptor there 4 of us Vera Stroud, myself and 2 other women that circulated petitions in the 4th district in my subdivision and overwhelmingly we were against it. There was hardly anybody that was for it and yet on the map it was said we weren't in it in the paper, but when the meeting, when they worked passed it and everything we were in it.

Shafer: As far as the 3 meetings that I talked about, they were advertised or the 2 meetings that I did talk about they were advertised in the Journal Sentinel. They were I believe there is a requirement of like 5 or 7 days in advance of a meeting that they have to be so the statute that I'll get you the number for that I don't have right now, lays out a lot of the requirements and those meetings were just for the 2020 Facilities Plan, but Phil had meetings.

Evenson: Yeah, any Mrs. Crotty, you and I go way back to the Regal Manor; I remember the Regal Manor situation too. We've tried hard over the years to improve all of our processes in notifying the public and it is getting a little easier to do things with the automated systems we have for mailing notices and things and the GIS systems, but I can assure you that anytime from this day forward that that red line is proposed to be changed, the regional planning commission requires that the proposing party which in this case would be your city, personally send notice to all directly affected landowners, OK? That can be just a few if it's just a minor change or it could be hundreds if it's a major change. So, we do listen to these kinds of comments and criticisms. We do our best to try to respond to make sure that each property owner who really is affected does get better notice because none of us have time to read the legal notices and things like that. The other comment I'll make is as the newspaper business has declined in quality and coverage over the past, and their business models are tough and they're not doing very well, it's getting tougher and tougher to get good free coverage in the paper so more and more public agencies are turning to display ads. Those display ads are expensive so they drive up the cost of local government so there are a lot of considerations but we do take your concerns and comments seriously and we do our best to respond.

Vernon Bentley 3450 So. Johnson Road: You keep saying it's easy to change these things but then we keep saying these plans have been in here since the 60's and the 70's. Anyway one of my questions is

that we still don't know who dropped the ball, this is a question that they have been asking there all night about the communication this last year and the Aldermen and I attend a lot of the meetings and I ask the same question. So can I ask the 4 of you during the meetings this last year who did you deal with as far as Staff from this City Hall?

Evenson: Dave Schilling who is on, who works for me and was mentioned by Alderman Ament handled all of the discussions with the City with regards to the population and land use assumptions that were going to be made then turned over to MMSD and their engineers for conversion to sewage flows. I believe Dave worked with Greg Kessler on all of those communications.

Bentley: OK. And then most of these communications come through our Planning so I'm going to go back to last year and see how many communications we've had on this particular subject. You had also mentioned there has always been a public hearing any time there have been any boundary changes OK?

Evenson: With respect to the red line, not the MMSD planning area line, the red line.

Bentley: That's the one I want. Back in 1998, I believe 1996 when **Mary Clare Sera** was an alderman here, those boundaries were changed, they were reduced and I don't know if you can remember whether there was a public hearing or not, but I think Alderman Ament and I were here in 1998 when they wanted to bring those boundaries back and what they came up for a boundary was Calhoun Road from Greenfield to Cleveland. They left out Cleveland to National and they went from National to College and we all thought that was what the boundary was going to be. Now whether we went through the motions here but it was never changed on the maps or the information here at City Hall, but that's what happened in 1998 and I've got tapes to prove it and so do you remember anything back in 1998, this was not a public hearing I don't believe.

Evenson: What line Mr. Bentley are you talking about, the red line or the MMSD planning area line?

Bentley: The line we worked on that night was a straight line right down Calhoun Road, none of the jogs or anything like that, straight down Calhoun Road from Greenfield to Cleveland. They left off Cleveland to National and they went to College and then there was a line from College that went to Racine.

Evenson: And the line was supposed to be, which one of the two are we talking about? The red one, was it meant to refine the red one or refine the pink one?

Bentley: That says Calhoun right there.

Evenson: Yeah, I know where Calhoun Road is.

Bentley: It was a straight line right down here all the way to College. A straight line from Greenfield to College but they left out the area between Cleveland and National Avenue.

Evenson: I don't know who "they" is but, and I don't want to get argumentative here but I'm just trying to understand what you're asking me. If that was the City Council's position on changing the red line, if we were to proceed to amend that map to change it that way, we were never asked to do that.

Bentley: That's what I, that's exactly what I think had happened because we went through the motions here and I don't remember if that was a public hearing or not, I don't think so, but we went through the motions here and I'll bet you when it didn't go the way the City wanted it, they just left it. Maybe Greg, well Greg wasn't back here at the time. But that's what the plan was. When you come in with that jagged line and everything, that was not what the plan was in 1998.

Evenson: We proceed on any changes when the letter comes from the mayor's office to make a change we set in motion the process.

Bentley: And I believe you 100%. I think internally within City Hall they never went through and finished up what happened in that case. I do have, when the Attorney was up here he was even saying we don't do anything unless we have infrastructure. But if they, if Section 35 is, which is kind of in the plan of being developed is there all new infrastructure coming through the southern part of New Berlin?

Evenson: I'd have to defer to your City Engineer on that.

Walker: Mr. Bentley right now there is an interceptor line that stops at Sunny Slope Road right at Brook Hollow Court.

Bentley: OK.

Walker: Anything that were to occur in Section 35 first of all, the Plan Commission and the Council would have to approve changing of the boundary that dashed red line, the thick line.

Bentley: OK.

Walker: To include Section 35. Anything that occurs in Section 35 after that process has gone through, through SEWRPC, DNR and MMSD, everything that would occur in 35 would be developer driven as far as the City is concerned. There are no plans, no City plans to provide sewer in Section 35 unless it comes through a Plan Commission approval, Council approval process. Ultimately what will happen is that interceptor line will have to move toward Moorland Road before any sewers come into Section 35.

Bentley: OK, but what I'm saying is that if that sewer line was to go west couldn't they oversize that to take in sewer service all the way to Racine Avenue? Put in infrastructure.

Walker: Engineering analysis would have to be undertaken to look at that very question. Back in the 70's the firm that Mr. Mielke represents laid out conceptual routings of interceptor lines throughout the City. Basically it followed geography it followed valleys. We have a map that shows those conceptual layouts of the interceptors in our office. We haven't touched it. It's not something that the City will be undertaking. It will be proposed plans that come to the Plan Commission and on through the Board of Public Works and Council that will look at those issues if they were presented to the City.

Bentley: OK.

Harenda: Vern, can you summarize?

Bentley: I'm kind of off the agenda; I don't want to get off the agenda. I just mentioned that because the infrastructure the City Attorney said. One more question. With these added new boundaries in here and the City's got \$300,000 in the budget now to redo Smart Growth but they keep saying we're just going to tweak it, this could make a major change in our Smart Growth, would you say as far as you're concerned as far as SEWRPC.

Evenson: No, I have no preconceived ideas as to what the City wants to do in the Smart Growth Plan I know nothing about the budget or how it's going to be done, but I know the City's under a deadline to get it done.

Bentley: OK. Very good. Thank you very much.

Richard Sontvedt 5415 So Oakridge Drive: I'm in the pink. I want to try a scenario. It's 2015, XYZ Realty comes in and wants to develop in my area. They want sewers. As it stands now the Council more or less must grant it. Now its 7 years past I'm going to get hit with a \$2,100 bill for past taxes. I'm going to get hit with \$20,000 to put sewer and water in and I'm going to get hit with maybe \$15,000-\$20,000 to hook up. Is this the correct scenario, is that what I've gotten out of tonight's meeting? All this so that somebody with deeper pockets than me can develop undeveloped land.

Evenson: Well from my perspective what you're asking is beyond either Kevin's or my ability to answer. I mean that's a City decision whether and when to ever extend sewers out beyond the red line to the pink line. And it's an issue you've got to readdress in this Smart Growth Planning process that's the time to make your views known. I'm sure there will be hearings down the line on that.

Sontvedt. Then I guess I would ask Ken is this a proper scenario?

Harenda: Well, it ties back to what the City Attorney said. We have a Master Plan in place right now that basically looks to have sewers probably extended up to Calhoun and into the south for Westridge Industrial Park. We're not looking to expand sewers with a 5-acre density on the western side of New Berlin. We do have the ability as the City Attorney pointed out depending on the situation and circumstances to deny sewers to that area unless there's a great need for that. Yeah, there's a potential that's there and I think what Phil is pointing out is with regarding the Smart Growth planning we want to reemphasize that in the process and document that we don't have these issues in the coming years is if we are going to be dealing with this at the Plan Commission level with finalizing our Smart Growth by 2010. So, from the standpoint, if Kevin wants to comment on this is basically I think for sewers to get into your area, I don't think from a hypothetical standpoint it would be long off into the future that would even happen. But it is also dependent on what we do at this level, at this Council, the Plan Commission and the work we do so Phil's pointing out that if this is what we don't want on the west side then we need to reemphasize that and document it and possibly adjust the pink line in the future. That's the best I can answer at this point.

Sontvedt: Thank you.

Joe Russ 16800 West Shadow Drive: Two questions from the guys from MMSD. One, where can I get a map that is a little bit more than red lines and a box? Something that gives me reference points, some streets and everything.

Shafer: Sure.

Russ: More detail, because, I can't tell, I can tell roughly where I am on that map but I don't know exactly where those lines go and since their not straight as was previously mentioned it's hard to tell what exactly they follow.

Shafer: I'd go to the City Engineer or the Planning Department would have the lines in a more detailed map and I think you see one here in front of you so I'd go to them and ask for that.

Evenson: And I would add that if you want to go on the web that on our website SEWRPC.org you will find the detailed sewer service area plans on the web. In each plan document there are photos in the back that you can identify your house on and that line will show up on those maps as well. So, it's on the web too.

Russ: Is that easy to find or is that buried deep into a couple hundred pages of document that I heard the original draft was.

Evenson: It is pretty easy to find. If you want to call me sometime when you're on the computer I will walk you right to it.

Russ: OK. My other question, I will give my scenario before I give what the question is. I've talked to both Alderman Harenda and Alderman Ament about 2 years ago that this was coming so it was like the train is coming, the train is coming. You guys are the engineer of the train and all of a sudden we're standing, the Council and the residents are standing on a station waiting for the train to come by and you guys go through at 80 miles per hour but it's not your fault, you're the engineer, you're not in control of the train the conductor is. And it seems the conductor of this train was some how Staff which is directed by our Mayor. Because looking at the organizational chart over there, Council is off on one side and the Mayor is directly responsible for City Hall. So I can't say you guys dropped the ball and I can't say Council really dropped the ball on this one because I think the ball was snuck by us is my concern and my question to you guys is, is there a way, and I know you talked with our Staff and so forth about getting stuff approved and what they want, is there a way you'd have to accept a Council resolution before adopting or changing any lines or would that have to be something done on a State level or something changed in that regard so that way it has to go through all the channels of our government and everything can have a say? The public hearing would have happened had it gone through Council resolution because it seems like it just kind of blew right past everybody and I must have blinked because I missed the public hearing.

Shafer: This, what I've just pulled up is the process you would follow and it's, if you want to change that red sewer service line on that map, it really starts with the common Council right here, so this is the process that I went through before and that's the process you would follow and as you can see there would be a, the second bullet shows a public hearing and so any change that would occur starts here and all the public hearings really occur before they come to MMSD.

Evenson: And more it's not just a public hearing, it's after the public hearing its approval of our document by the Council. So we will not change that red line unless this Council approves it and in the past if you've been able to follow our process, there have been a number of times when the hearings have been kind of hot and the Council changed the line after listening to the residents and we honor and respect that change. So, the Council is really, when it comes to the red line, the Council is in charge right now.

Russ: But from what, and pardon me because I came in a little bit late because I had to work until 5 so I didn't get here until a little bit later but what I picked up here there was some stuff changed which and especially around New Berlin West which somehow Council didn't know about?

Evenson: That's the pink line.

Russ: That's the pink line. OK.

Evenson: Yeah, the pink line is a little bit different process. It's not as prescribed, it's not regulatory in nature. The red line is actually approved by the DNR as a regulatory matter. It's appealable to the Dane County Circuit Court for example if you don't like it and you have standing, but the pink line is a softer line, it's a planning line. It has no regulatory impact and therefore the processes are less intense and when the City Staff asked us to put that on, we took their word for it that the political support for doing that was there.

Russ: I guess that's where I see the problem of checks and balances. You know, it's not, coming to you guys it really shouldn't be your matter it was, you thought Council had gone through it, that's why I'm wondering where we need to set up a checks and balance between Council and within the City before you guys accept it or if we could have something for the pink line that you guys have to get Council resolution to do it, that's all I'm trying to say.

Morrisey: If I could comment for a minute. I think you are confusing 2 processes here. The one process is the approval of the 2020 Facilities Plan for MMSD and in that process the conductor really was the court system, not the City Staff. And within that tonight, they came and unfortunately you missed it, because we start at 5:00 they talked about the process which is process from the 2020 Facilities Plan of how those 2 lines would change. The 2020 Facilities Plan does not change the red line or the pink line. It did not. It's a separate process that happens here in the City.

Harenda: I guess I would have to add on top of that discussion the point is even addressing the discussions that we've had and everything that's transpired over the coming months and through this process is even if we are going to adjust the pink line I think the Utility Committee, the Plan Commission as well as the Common Council would like to address that at a more formal level I guess is the way I look at it and convey that to them. OK.

Russ: I just, I know the long-range goal is to make the pink line into a red line otherwise the pink line wouldn't be there. It's like a line in the sand.

Morrisey: I think the pink line is like an option to buy.

Russ: It's an option to buy, but also like a future, it could also be considered a future goal you know, it's there. That's as far as the red line could go potentially.

Morrisey: It's possible here that we could move the pink line back to the red line too so.

Russ: My main question basically was where I could find a map, but if I can get one on line I'll look there. Thank you.

Ralph Heun 17765 West Saturn Drive. I live west of Calhoun Road you can judge by the address. When we say we have 5-acre lots west of Calhoun. Is that really just maybe or is it actually a real hard fact that you will not have any lots, which are smaller than 5 acres west of Calhoun? And I'm talking about Wildwood Preserve and down all the way down if we were to extend Calhoun Road down to College?

Harenda: It's within our Master Plan.

Heun: It's probably a loaded question I know.

Harenda: Well, it's within our Master Plan. 5 acres or a conservation subdivision ordinance that was passed a number of years back also.

Heun: OK. So we're saying 5-acre parcels. Well anyhow, as you heard that there was a show of hands before there was bad feeling about it and we have been told by the City that we should depend on our City Staff, that they're going to do the right thing. Somebody a little while back after an election a couple of years ago mentioned something about the intent was to put MMSD, sewer and water to the extent of the so called pink line and then we're assured no that doesn't happen. Right here I have in my hand a map from Ruekert & Mielke I believe this is sometime about maybe 3 or 4 years ago. This is map #1, Proposed Provision of Sewer and Water Service to New Berlin and the City of Muskego, Waukesha County. And they have nice little blocks out and this is for Mill Valley and other portions like that. I've taken the, a large map and I've put those numbers and areas on there and it seems to me that there's something happening that everybody says is not happening. Such as there is some thought given here to sewerage this side or sewer and water. Cause it shows water tanks some place down in the middle of the Valley site, a booster station, elevated tank and so on. So, I wonder if we're getting the right story. Nowadays we also have heard that the State of Wisconsin has approved new septic tanks and so on. The aerobic systems and super mound systems and that type of thing, and a lot of the people in this area have put in mound systems and aerobic systems and they've put an awful lot of money into it. If they find that at some future time, maybe not so long in the future that there's actually going to be sewer and water coming out there, we're talking about a lot of unnecessary expenditure. Ken I asked you the other day did you ever find out actually what say a 100 foot lot would be as to what the sewer cost, running sewer and water down the street if you had the opportunity to do so?

Harenda: I'm looking into that. I'm just trying to do a comparison between sewer and what the water, for a new septic system be put in. All I can do is defer to JP our City Engineer, what the cost is for running per foot now for sewer and water. I'm not sure off hand; I've have to defer to him. Bob.

Dude: I was involved in that on a different committee. And the water and sewer was coming in from Muskego. You're talking about the quarry area out in Mill Valley, because we looked at that and it was unbelievable, the dollars involved to run water and sewer from the City of New Berlin out to those quarries. The only way that was going to happen and I don't know where that drawing came from but I was involved in the Planning Committee working for Greg on that one, that was with Mayor Wysocki. The only way that was going to happen was water and sewer was coming in from Muskego and that was the premise of the whole thing otherwise we were going to walk away on it. Muskego wanted to sell them water, Muskego wanted to connect up because they had some people out there they wanted to get to and if they had Mill Valley out there, it would pay for their utility to get those other people involved in Muskego, but there was no talk Day 1 from New Berlin to provide either water or sewer out there because of the cost. The cost was fantastic. We're talking about 3, 4, 5 miles of pipe to get out there and no way we could pay for that.

Heun: OK now I may be just off the subject a little bit but isn't there some thought about Muskego is no longer interested in Mill Valley because now they got their big chonkers onto College Avenue and Moorland because they figure they can make more money over there on their TIF's etc?

Dude: I haven't been involved in that for years so I don't know anything about it.

Harenda: You guys we are getting off the subject here. I understand your point Ralph, but JP do you want to answer the question about the sewer then?

Walker: I can give you a range of costs for 100 foot wide lot you can figure the range of a typical sanitary sewer, let's say an 8" diameter sewer to serve a small area would be somewhere between \$60 and \$80 a foot, so that is \$6,000 to \$8,000 for that particular size lot. In addition to that you have a sanitary lateral that would go from the main to the right of way line, the property line. Figure that's about \$2,000. And then you have the cost for a plumbing contractor to come in and extend that lateral to your home and based on the footage you can figure that going to be about \$60 a foot. So if it's a 50-foot setback to the house, that's another \$3,000 in rough numbers.

Heun: So you're looking at roughly \$15,000 or something like that.

Walker: \$15,000. Now if you compare that to Com 83 Septic systems that's about \$12,000 plus about \$1,000 per year on maintenance costs. So that's a general comparison.

Heun: OK so if you buy City of Milwaukee water or New Berlin water if you want to call it that after the middle man goes through it and sewer service, what is the sewer charges. Right now they're \$1,000 a year approximately am I right?

Walker: I don't have the number; you're talking about the quarterly sewer charges?

Heun: Yeah.

Walker: The water bill and sewer bill?

Heun: Yeah.

Walker: I don't have those numbers, I'm sorry.

Heun: I believe it is something in the neighborhood of \$1,000 to, again over the year period \$1,000 to \$1,200 and that's an awful lot of money.

Walker: I don't think it's that high. I think it's somewhere around \$59 a quarter for the sanitary sewer cost, I'm not sure what the water cost is.

Heun: Is there anybody here that has a water bill or anything? Do you know anything about it? So you're talking about a great amount of money. In fact by putting sewer in there you're talking more money than putting in a mound system or something like that and remember there's a lot of people that have mound systems and good systems in right now and there's an awful lot of septic tanks out there which are not failing.

Harenda: Ralph could you summarize?

Heun: That's all I have to say. One other thing. There was something as I read in the Journal that if an area is approved for sewer service and it's approved by the MMSD, MMSD can go back to 2007 and charge taxes for that period of time. So in other words if it was 2012 or something they can go back 5 years and for the

Harenda: We discussed this earlier and Kevin can comment on it if you like.

Shafer: We did talk about this earlier and that is not a policy right now, it is one that is being considered.

Heun: In other words as soon as somebody gets an idea of how to make some more money it will become a policy.

Shafer: And it's only on land, it's not on O & M.

Heun: Not O & M. I realize it's only on the land, but it is there and looking at expenditure, somebody has to pay that, not government, only people that pay taxes, the people sitting out here. Thank you.

Harenda: Bill.

Mielke: Just to clarify the map that he had was for a study that was looked at for sewer and water service to the gravel pit reclamation project and it didn't cut through New Berlin, it was to service up through Muskego so it came from the south from Muskego for that gravel pit area. The area that was looked at was larger than the gravel pit area for looking at gravity sewer for planning purposes of just how large of an area could you get through the piping system that was there. So it didn't come through the City of New Berlin it came from the south.

Heun: inaudible...So there was still this area from Martin Road east to Calhoun and then up to the service area off to Town Road off of Beloit area here...inaudible

Harenda: Let me comment on that one and we are getting off the topic here, we'll have to wrap this up shortly but that's part of the Mill Valley discussion. We are in a prior study right now with respect to that and its not really reflective of the MMSD 2020 Facility Plan only where it impacts the City of Muskego which I believe you provide service for so. And that's been in a study that's been going on for a year and a half and almost coming up on 2 years and its kind of been stalled with respect to the City of Muskego so there's a long way to go with that but, Ralph if you've got some more questions on that I'm sure I can work with you or City Staff to answer that and get you more information on that also.

Vernon Bentley 3450 South Johnson Road: That pink line out there is like putting a bone out in front of a dog because the developers now know how far they can extend themselves, but someone over there I don't know which one of you gentlemen said that City Staff asked to put the line there. I'm probably going to have to ask the Mayor who gave City Staff the authority to do it but your question is, shouldn't that have gone in front of Council or a public hearing before you put that line up there?

Harenda: They have already addressed that already Vern, the pink line I guess is something that as Phil has pointed out is not set in stone as part of the public process and that's what we are finding out from the discussion today was that we would like to have a more formal process anytime that pink line is adjusted I guess.

Bentley: OK.

Harenda: So.

Mielke: And just so we don't get confused, that pink line was not modified by Staff. That pink line has existed for over 40 years in the same spot that it is in other than the addition of the ability to add the high school if and when they should need sewer service. So the pink line has never changed, it's been there forever and so nothing was new as part of the MMSD 2020 Plan as it relates to that pink line. Nothing got done to it. It's been there; it's still there. The red line is the line that's variable based on what the citizens of New Berlin are requesting the Council to do and somebody brought up that there were some changes with that line or modifications. What I can recall, I don't remember if it was a 97 amendment or whatever, but the Staff had looked at changing the red line to better straighten it out and it might have been Calhoun at the time and they did propose that to SEWRPC. SEWRPC did hold the public hearing with that bigger area and the citizens came forward to Council and said no, we don't like that area and the Council as part of their adopting resolution says no take this area, this area, this area, this area, you took probably 6 areas out or about 1100 acres as I remember out of the red line, gave that back to SEWRPC. They promptly revised their report and that's what went in place and that's kind of the line we have now. So the public process obviously worked quite well in that case for somebody to have input as to where that should be.

Harenda: Thank you.

Bentley: Well the pink line is the new line right?

Mielke: No, pink line has not changed in over 40 years. That line has been there for as long as I've been in business. It never changed.

Bentley: OK then my question is going to be, one of you gentlemen just said City Staff asked to put the line there. So some of the City Staff must know

Evenson: I made that comment with respect only to the New Berlin high school addition.

Bentley: Oh, OK then I stand corrected. Thank you.

Harenda: Anybody else? Mayor?

Laura Karel 14405 West Grange Avenue: Phil I'm stunned by your revelation tonight. You mentioned that the Smart Growth Plan now requires that zoning conform to future land use?

Harenda: You guys, we are getting off the topic here. I hate to cut you off on that one. We're talking about the MMSD 2020 Facility Plan.

Evenson: Just, very briefly the zoning map and the plan are supposed to be fully congruent and compatible. You no longer, if you're zoning is for residential or you're planning it for residential, it should be zoned for residential. That's all I'm saying.

Karel: But what about agricultural zoning, which to my mind regrettably is entirely absent from the future land use map.

Harenda: I have to cut you guys off or the City Attorney is going to start giving me stares. We need to stay on the topic tonight. We're not talking about land use or Smart Growth planning tonight, we're talking about MMSD's 2020 Facilities Plan, so if you kind of confine your questions to that, that's all we can really discuss this evening, that's the way it's agendaized on our agenda.

Karel: Well if you could just let me ask this one question because, it would have

Harenda: Does it deal with the topic, I guess. If it's off the topic I don't have a problem with talking with you after the meeting, as well as the individuals if they can stay around they will answer your questions but we need to confine our questions to the topic on the agenda this evening.

Karel: But.

Harenda: That's by law. The City Attorney is giving me the grin, so I don't want to get off the topic because we are violating

Karel: Do you feel that it is off the topic to ask about the future?

Blum: Let me just explain why. It's not fair and I know there's been a lot of talk about public perception and the opportunity to speak. It's not fair to other people who might have an interest in Mill Valley or might have an interest in Smart Growth or other issues of that nature. If they had known that those kind of topics were going to be discussed tonight then maybe would have decided to attend this meeting, so it's not fair for these people to start talking about something that's not on the agenda because other people in the community might of wanted to come and hear what they would have had to say had they known about that. So that's why the open meeting's law says you only talk about what's on the agenda. What's on the agenda is the MMSD 2020 Facilities Plan, not Smart Growth Planning, not other issues beyond that. We have to stick to what's on the agenda. It's not fair to other people who would wanted to be here and talk about other topics had they known that they were going to be discussed. So that's why, OK.

Evenson: My apologies to the chair for taking us off topic.

Harenda: That's OK. There will be further discussion on Smart Growth in the coming months and there will be a number of public meetings. Your elected representatives as well as Staff and Phil Evenson from SEWRPC is on that so we'll leave it at that.

Mayor Chiovatero: Thanks Alderman Harenda for allowing me to speak. I came tonight with a lot of different ideas of what this meeting was going to be about and I think that as I'm sitting here listening you alluded to it Alderman Harenda about rumors and I think I need to address that, because I think a lot of

people in this room that are assuming that there are things going behind the scenes. As far as the land use, I have not in my administration, nor have I directed Staff at all to change or do I plan on changing any of the intended land use as it sits right now. We are about to go through a plan, we call it the Comprehensive 2020 Plan in which a lot of areas will be discussed, but at that time they will be discussed as a group and go from there. We have a steering committee out there, but all of the other neighborhood group meetings that will be addressed in smaller neighborhood areas. But I do want to say that I have said this in the past I have no intention of changing the plan. I have been told just as recently as last week I had a person come up to me at a public meeting and said they were told, and I won't tell you who they were told by, but they were told that I was going to use this Comprehensive Plan to totally change the density and everything in the New Berlin.

Harenda: Mayor, Mayor.

Chiovatero: I'm sorry Ken, you brought this up, you even alluded to this in your conversation today. So I do want to correct that for those who are here. I have no intention of changing anything as it sits in New Berlin. I'm well aware of keeping the west side of Calhoun as rural as it is and I do want to address that. Also, there's been some things made about information that Staff had given to MMSD and to SEWRPC for this plan. I will tell everybody in this room that during my administration, I have not instructed Staff or given Staff, or has Staff even given any information to MMSD or SEWRPC. Most of the information was given to them back in 2002, 2003 and 2004. So, just to try to ease the minds that the current administration is in the process of changing things, that is not true. Also there is a comment that the conductor is driving a train that is running through the station. The illusion was that I was the Mayor. If you go back and look at that Org chart, the Common Council is actually the conductor. The Mayor is here to administrate the City and to follow policies. The conductor is the policy maker, he is the director and that is up there by the 7 individual aldermen that are there. So I just want to make that clearer so that people understand what has been going on. As far as the public hearing goes. There were several public hearings. I attended them. To my knowledge several, especially the ones from MMSD, several of these invitations were delivered to the aldermen personally with their name on it and for some reason they may or may not have attended it. I know I attended it because I thought it was pretty important to be there, and at the time there was some concern on the Council. I did explain to the Council that due to some changes in things that SEWERPC that MMSD was going through, that the period of comment was shrinking. They kind of got caught up and they had to come out quickly because they had a deadline that set by the courts to get this thing approved through their commission to get it passed on to DNR. So, there was some comment periods but when that did come out and I did address the Council and let the Council know it was there, I know there was some concerns from aldermen at the time, but as far as the public hearing goes, the Mayor does not set the public hearings, the Council sets the public hearings and so there was, I'm not blaming anybody for it. I think there was an intent there to try to keep up with the process and make sure that we inform people as we can, but at the same time the, I know there has been several, several articles and other information come out that the Mayor's refusing to set the public hearing. That is not true. I'm not refusing, in fact I've encouraged certain aldermen to come ahead and get a public hearing going and for reasons unbeknown to me, that was not happening. But I just want to set the record straight. Thank you Alderman Harenda for letting me do that, but I think those things had to be said because I think a lot of people here are under a false pretense that the current administration, myself included, is trying to change the things the City of New Berlin is set and follow through and as far as the MMSD 2020 Plan, again I've been working with Kevin. I've been going to those MMSD Commission meetings, when I can make it to. I've been working with Phil Evenson from the SEWRPC and relaying all the interests here back to them, and I think they will say the same thing. So, with that I just wanted to make sure I set the record straight, because I do want to make sure that it is, people know that as I was told by this individual that I'm driving the bulldozer myself. I'm not, so I don't have any plans on changing the quality of life in New Berlin as we see it now. In fact, I'm proud of the quality of New Berlin as it sits right now and I plan to continue that same quality, and the same standard of living we enjoy this day. So thank you.

Harenda: All right, anybody else. Sue? OK, that will wrap up the meeting for this evening. Just a couple comments to the gentlemen. I want to thank Phil, Kevin, Mark and Bill for being here. I think from the discussion you hear the City of New Berlin likes to be more involved, at least have the discussion at the Council level, the Utility Committee, as well as the Plan Commission level for any changes going forth within your organizations. I think this helps us keep involved. We get plans, we get books, we get updates, it just, we're part time representatives here. We don't have all day to do this, we have to work

full time too and pay our bills so, any assistance you can offer on that I think would be greatly appreciated as we move forth and I appreciate you gentlemen for being here at this meeting. With that I look for a motion to adjourn.

Motion by Alderman Seidl to adjourn at 7:28 p.m. Seconded by Commissioner Dude and upon voting the motion passed unanimously.

Harenda: All right, we are adjourned. Thank you.

*Please Note: Minutes are not official until approved by the Committee
Respectfully submitted, Suzette Hanley - Office Coordinator, Utilities & Streets*