

**MINUTES**  
**NEW BERLIN UTILITY COMMITTEE**  
**January 7, 2004**

Members Present: Aldermen Gallagher, Harenda and Ament, Bob Dude (Citizen Member) and Ray Grzys (Director of Utilities and Streets)

Others Present: Larry Wilms (Division Engineer), Steve Schultz (Ruekert & Mielke), Attorney Mark Blum, Mayor Wysocki (arrived at 4:50 pm)

Alderman Gallagher called the meeting to order at 4:30 pm and declared a quorum with all members present.

**ITEM A-04 Approval of minutes from December 3, 2003 and December 9, 2003 meetings**

Motion by Alderman Ament to approve the minutes from the December 3, 2003 Utility Committee meeting. Second by Director Grzys. Upon voting, the motion passed 3-0 with Alderman Harenda and Commissioner Dude abstaining since they were not present at the meeting.

Motion by Commissioner Dude to approve the minutes from the December 9, 2003 Utility Committee meeting. Second by Alderman Harenda, and upon voting, the motion passed unanimously.

**ITEM 30-02 Milwaukee Water Design (6<sup>th</sup> Update)**

Steve Schultz from Ruekert and Mielke reported that this was the 6<sup>th</sup> Milwaukee Water Design update. He said that the preliminary design has been completed and they received conditional approval from the Planning Committee on January 5<sup>th</sup>. They are not waiting for the final stamp of approval from the DNR.

Mr. Schultz stated that the water main designs have proceeded to about 75% completion. He added that six PRV (Pressure Reducing Valves) pits are being evaluated, and they still need to do a site visit. The plan is to design new pits and abandon 5 of the old ones. Mr. Schultz gave a brief history of the water system and said that some of the old PRV's are not working, are in confined spaces and difficult to maintain and some measured at 110 lbs. New PRV's will be put in a current up to code vault, have ventilation and are lit so that they can be easily maintained. Two of the new ones are slated to be installed at Forest View and Greenridge pumpstations.

Alderman Gallagher asked what the cost of the new PRV's. Steve Schultz answered approximately \$300,000 for these, assuming that all of them are underground. If 2 are at the pumpstations, it will be less. This amount is included in the construction budget. Alderman Gallagher asked if we can lower the pressure of Milwaukee Water coming into the City? Mr. Schultz answered that we can increase pressure in lower pressure areas and decrease pressure in higher areas. Valves can also be adjusted for fires and water main breaks.

Mayor Wysocki arrived at 4:50 pm.

Commissioner Dude asked if the water mains are designed so that the entire City service area can be served? Mr. Schultz replied yes. He added that they are still looking into the long term use of Well 11 and possibly acquiring additional land near there for another well. Director Grzys asked if Mr. Schultz had talked to the Planning Department about the main coming from Well 11 to Sunny Slope? Steve Schultz replied no. Director Grzys asked that he contact Greg Kessler, Director of Community Development to see what is proposed in that area.

Mr. Schultz stated that the completed items included:

- Grange Avenue pumpstation preliminary design
- Greenridge pumpstation preliminary design
- 75% of the water main design
- Pressure zone adjustments and PRV locations

He added that the next steps are:

- Final planning approval for Grange Avenue
- Submitting final designs to the City of New Berlin
- Receiving final City, DNR, PSC, DCOMM and other approvals
- Go to bid
- Request for service to west side of Utility service area

Commissioner Dude requested that prior to going to bid, he would like someone to walk the Committee through the bid process, specs, how the bidders will be judged and by whom. Mr. Schultz said that he can walk the Committee through the physical process of determining the lowest responsive, responsible bidder for the construction contract and Attorney Blum can discuss the statutory and legal aspects.

Alderman Harenda asked how much time was built in for approval from the DNR? Mr. Schultz answered that the statutes allow for 90 days and there should be no problem for the DNR, PSC and City.

#### **ITEM 33-02A Discussion & Action on Notice of Claim for Radionuclide Compliance**

Director Grzys stated that we are looking at a Consent Order Agreement for Radionuclide Compliance and asked the City Attorney to discuss this issue. Attorney Mark Blum said the latest version of the agreement from the DNR is one that they use for other communities, but the details vary in the deadlines and schedule. We have added clauses to reopen the agreement on mutual consent if necessary and allow for circumstances beyond control, such as labor strikes or natural disasters. He stated that if the committee consents to agree, the deadline is extended to December 8, 2006, but must be met. Language was added to outline what solution must be done at each well and Entry Point 200 wells and to outline to make sure that the City is in compliance.

Mr. Schultz stated that #1 under the consent order was to prepare a request for Lake Michigan water for the entire City water system. If this is not approved, then the solutions for each individual well and Entry Point 200 (combination of Wells #8 and 9) are listed. Commissioner Dude asked what was budgeted for this and would like to see the dollar amounts set up since a lot of the dates on the agreement are coming up quickly. Director Grzys said that he would work with Steve Schultz to chart this.

Alderman Harenda agreed that a chart of the dollar amounts would be helpful and asked if the City of Milwaukee needs to make a diversion request to the DNR? Steve Schultz answered no, since there are other sources. Commissioner Dude said that he would like to use Milwaukee water as the source. Steve Schultz answered that he would assume Milwaukee will go along with the DNR approval.

Attorney Blum stated that he wanted to make sure that the Committee understood the legal significance of the consent agreement. The City would be acknowledging that the wells are not in compliance and waive the ability to appeal. Also, there are penalties involved for non-compliance and there is a schedule that must be met.

Alderman Gallagher asked if the City had an option? Attorney Blum stated that the short answer was no. Based on interpretations by the DNR now, there are no alternatives unless the laws change down the road. Alderman Gallagher stated that the wells have been out of compliance for a number of years and that the DNR is probably doing us a favor by making us comply. Alderman Harenda added that we are taking steps to improve the quality of the water. It is costly, but in the long run it is important.

Alderman Ament said that he was not comfortable with the word "Entire City" under the source of funds, and said that maybe it should say entire service area. This change will be made prior to the requested action going to Council.

Motion by Alderman Ament to recommend to Council to approve the Consent Order Agreement issued by the Department of Natural Resources to comply with radium standards by December 8, 2006. Source of funds: In 2004, \$100,000 in Revenue Bonds was set aside for radium updates and compliance reports. Remaining money would be budgeted for in 2005 through the Revenue Bond and Impact Fees if Milwaukee Water does not become available to the entire service area. Second by Commissioner Dude, and upon voting the motion passed unanimously.

**ITEM 01-03A Proposed Ordinance Citywide Private I & I Draft**

Alderman Gallagher stated that this program is starting to bother him because of the real estate sales requirement. The goal was not to intrude in people's homes by doing inspections. He said that perhaps we should write an ordinance to disconnect sumps and gutters to the system, but stop there. Alderman Harenda agreed. Commissioner Dude said that maybe it is OK to have this option on the shelf, but in reality, what is the cost benefit.

Director Grzys stated that Larry Wilms attended a TAT meeting a week ago, and there is a possibility that MMSD would sponsor a pilot program in private I & I. Alderman Gallagher stated that we already know the problems in Buena Park, but how do we enforce it? Larry Wilms stated that Buena Park would probably qualify for this demonstration project and asked if the Committee wanted to pursue this to get some funding?

Alderman Harenda asked if this would mean money for rehab? Mr. Wilms said that yes, we have already identified the defects, and the money would be for rehab and a study for results.

There was a short discussion on the intrusion in people's homes and how much the program would cost the City. Director Grzys stated that we would take this item off the agenda and reintroduce it when MMSD has introduced an RFP for this project.

Motion by Alderman Gallagher to remove section 3 of the proposed draft. Second by Alderman Harenda, and the motion passed 4 to 1 with Commissioner Dude abstaining. Alderman Gallagher requested that when we get this information from MMSD that we pursue it and bring it back to the Committee.

**Motion to adjourn at 6:08 pm by Alderman Ament. Second by Alderman Harenda and upon voting, the motion passed unanimously.**