

MINUTES
City of New Berlin
Utility Committee Meeting
Tuesday July 27, 2004

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

Others Present: Rick Johnson (Utility Manager) City Attorney Mark Blum, Mayor Ted Wysocki, Larry Wilms (Division Engineer), Steve Schultz (Ruekert & Mielke)

Alderman Gallagher called the meeting to order at 5:04 pm and declared a quorum with all members present.

ITEM J-04 Approval of Minutes from June 22nd meeting

Motion by Alderman Harenda to approve the minutes from the June 22nd Utility Committee meeting. Seconded by Alderman Ament and upon voting the motion passed unanimously.

Item 12-04A Milwaukee Water Construction – Update #2

Steve Schultz from Ruekert & Mielke presented his 2nd update of the Milwaukee Water Construction projects. Mr. Schultz stated that water main work started at 124th and Weatherstone, but the completion date was changed to July 30th. He added that no work had started on Sunnyslope yet, and the contract deadline was approaching with \$600 per day damages. Mr. Schultz continued by adding that the Pit dug for boring on Grange Avenue was mismarked twice by SBC and this has delayed construction of boring under the creek. There is a meeting with the DNR scheduled for July 28th, and they hope to just move the location of the main but will need DNR approval. Mr. Schultz said that all pumpstations contracts were signed July 27th.

He stated that the Next Steps were: pumpstation preconstruction meeting next week, DNR meeting this week, Grange pumping station construction to begin on about August 4th and Greenridge pumping station is set for October 1st. Mr. Schultz added that final completion is still scheduled for early Summer 2005.

Item 15-04 Update Recent Great Lakes Water Proposal

Steve Schultz discussed the Draft Annex 2001 Implementing Agreements and stated that the two documents released on July 19, 2004 are essentially the same, one is for the Great Lakes States and the other for U.S. and Canada. He stated that these draft proposals are to elicit public comment and input and that no final decisions will occur until comments are received, reviewed and considered by the working group.

Mr. Schultz explained the content of the proposed agreement by stating that it covers new or increased diversions and withdrawals, it requires a return flow component, and creates a Review Council. He stated that diversions would be given when there is no other reasonable way to serve the area, there is return flow, no adverse impact on the environment, there is conservation proposed improvement and also that the gross amount pumped out of the basins is 1 MGD or more in 120 days (average).

He added that the important language in the proposed draft says that groundwater included under the existing divide would mean if you plan on drilling wells near the existing divide, it is now considered a diversion. He said that communities straddling the divide that get water and discharge sewer in the watershed are entirely within watershed.

Commissioner Dude asked if we can get 100% Milwaukee water, the City will not have to spend \$4 million on the radium issue? Mr. Schultz said that there is \$100,000 budgeted this year for radium and he stated that a prudent person would put money in the budget for next year. He advised that the City talk to the DNR as soon as possible to relay our need for Milwaukee water, then the radium issue would be eliminated. Mr. Schultz also said that he would be attending a meeting in Chicago on September 8th of the Council of Great Lakes Governors.

ITEM 11-03 Town of Brookfield Sanitary District #4 – Utility Agreement

Director Grzys said that this item has been revised based on the collection of the special assessment fee or the connection fee. The Town of Brookfield wants the money up front and wants the City of New Berlin to be the collector. Director Grzys asked the Committee if they want the money up front from the 2 residents or put the fee on a special assessment with an interest rate?

Alderman Gallagher said that this could be stretched out over 5-10 years like the water and sewer in any other subdivision and treated as a special assessment.

Attorney Blum gave a summary of charges from the Town including: \$6,042 assessment for sewer, \$3,223 water connection fee, \$1,036 legal and engineering fees, \$480 tap fee, plus permit fees for the City and a road patch charge. He stated this would be approximately \$11,262 per property and asked if the City wants to act as a bank and how the Committee would like this handled?

Commissioner Dude said there should be a 4-5% interest charge. Attorney Blum said that the property owners would need to sign a document that the amount is due over time, and if not paid, the amount would be a special assessment against the property.

Alderman Ament expressed his concern about item 11 termination provision. Attorney Blum stated that the Public Service Commission would deal with the issue or arbitrate in the event the Town of Brookfield would decide to turn off the tap. He added that unless the residents are contaminating the water system or dumping concentrated sewerage, he did not see a problem of shut off.

Alderman Harenda asked if both parties have signed off? Attorney Blum said that one has signed, but other wanted to know the charges prior to signing? Attorney Blum stated that we had not discussed it, but if one decided not to, the other should be able to hook.

Director Grzys stated that the laterals to this property are water laterals, not sewer laterals so that tap fee may be less.

Motion by Alderman Gallagher to accept the amended Intermunicipal agreement between the City of New Berlin and Sanitary District #4 Town of Brookfield relative to the Copenhill Drive properties, with impact fees being waived. The water and sanitary sewer improvement will be placed on the City's tax roll as a special assessment over a 10-year period with a 5.0% interest on the unpaid principal. Agreement is contingent on the property owners agreeing to be responsible for all costs for providing the service. Seconded by Commissioner Dude and upon voting the motion passed unanimously.

Item 16-04 Director's Report

Director Grzys stated that the Utility Department activities over the past 6 months were given to the Committee. He gave an update on Well 11 and stated that it started up about a week ago, but electricity to one of the contacts was a problem. He added that it was pumping today and now it remains to be seen if it will meet the standards in the agreement with Ruckert and Mielke.

Director Grzys stated that Forest View Water Main Replacement started July 12th, with no problems so far, and all streets open for traffic. Director Grzys added that as of July 26 1,500 feet of new main had been installed.

Director Grzys said that they are trying to keep on schedule with Milwaukee water and included a 2004 survey of water and sewer rates from other communities in the packet.

Motion to adjourn by Alderman Harenda at 6:12 pm. Seconded by Alderman Ament and upon voting the motion passed unanimously.