

**MINUTES
City of New Berlin
Special Utility Committee Meeting
Tuesday June 30, 2009**

Members Present: Alderman Harenda, Alderman Ament, Alderman Wysocki, Commissioner Bob Dude and Commissioner Jim Morrisey

Others Present: Rick Johnson (Utility Manager), Jim Hart (Utility Supervisor) Mayor Jack Chiovatero, City Attorney Mark Blum, Dr. Paul Kreutzer (New Berlin School District), Bob Pulliam (New Berlin School District), Doug Nelson (Ruekert & Mielke), and Sue Hanley (Administrative Supervisor Utilities & Streets)

Alderman Harenda called the special meeting to order at 5:04 p.m. with roll call and declared a quorum with all members present.

OLD BUSINESS

D-09 Approval of Minutes from the May 20, 2009 Meeting

Motion by Commissioner Morrisey to approve the minutes from the May 20, 2009 Special Utility Committee Meeting. Seconded by Commissioner Dude and upon voting the motion passed unanimously.

E-09 Approval of Minutes from the May 26, 2009 Meeting

Motion by Alderman Wysocki to approve the minutes from the May 26, 2009 Utility Committee Meeting. Seconded by Commissioner Dude and upon voting the motion passed unanimously.

F-09 Approval of Minutes from the June 23, 2009 Meeting

Motion by Alderman Wysocki to approve the minutes from the June 23, 2009 Utility Committee Meeting. Seconded by Commissioner Morrisey and upon voting the motion passed unanimously.

UT 01-09 Discussion and Possible Action to recommend to Council the adoption of a resolution approving the Sanitary Sewer Service Agreement with the NB School District for West HS as well as a permanent sanitary sewer easement with the NB School District for the West HS private sanitary sewer force main

Discussion and possible action to request that MMSD review a modification to the New Berlin sanitary sewer service area boundary to include New Berlin West H.S

Discussion and Possible action to recommend to Council the adoption of a resolution to amending the Urban Service Area Boundary

UT 11-09 Discussion and Possible action to make a recommendation to Council regarding the application of the New Berlin School District to amend the New Berlin Urban Sewer Service Area Boundary to include NB West HS

CLOSED SESSION

The basis for the items to be discussed in Closed Session is as enumerated in Wisconsin Statute Section 19.85(1) (e) Discussion and possible action to enter into closed session pursuant to Wis. Stat Sec. 19.85(1) (e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. More specifically:

Discussion regarding negotiation strategy for a sanitary sewer easement and a developer's agreement for a private sewer main to serve New Berlin West H.S. and Section 19.85(1) (g) Conferring with legal counsel for the governmental body who is rendering oral or written advice

concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. More specifically:

Discussion regarding DNR enforcement of the radium consent order

Motion by Alderman Ament to go into closed session at 5:06 p.m. Seconded by Commissioner Dude. Roll call vote: Alderman Ament yes, Commissioner Dude yes, Alderman Wysocki yes, Commissioner Morrissey yes, Alderman Harenda yes.

Motion by Alderman Wysocki to go into open session at 5:48 p.m. Seconded by Commissioner Morrissey and upon voting the motion passed unanimously.

Reconvene to Open Session

Motion by Commissioner Morrissey to recommend to Council the approval of the request by the New Berlin School District that MMSD and SEWRPC review a modification to the New Berlin sanitary sewer current sewer service area to include New Berlin West High School from the ultimate into the current sewer service area. Seconded by Commissioner Dude and upon voting the motion passed unanimously.

Blum: The draft resolution that you have in front of you provides for the recommendation for the adoption of the sanitary sewer service agreement to service New Berlin West and also for the approval of an easement. It is my understanding that the Committee would like to approve that easement in principle and defer action on it in the final form until such time as we receive the specific location for the sanitary sewer line and have reviewed the final plans.

Motion by Commissioner Morrissey to recommend to Council the adoption of a resolution as amended approving the Sanitary Sewer Service Agreement between the City of New Berlin and the New Berlin School District for the connection of a private sanitary sewer line to the New Berlin School West campus to include approval of the easement in principle with final approvals of that easement at a later date. Seconded by Commissioner Dude and upon voting the motion passed unanimously.

Ament: I would like to thank everyone that has been involved in this for the effort that they have made, but want to single out City Attorney Mark Blum in capturing the essence in our concerns and making them a part of the documents so that we were comfortable enough with this to approve it. He made it understandable and he did a yeoman's job of capturing our concerns and packaging it up.

Wysocki: I second that.

Blum: Thank you.

Motion by Alderman Ament to recommend to Council the approval of a resolution to amend the New Berlin Urban Service Area Boundary to include the New Berlin West High in the ultimate sewer service area. Seconded by Alderman Wysocki and upon voting the motion passed unanimously.

UT 02-09 Request to Amend Inter-Municipal Agreement between New Berlin & Muskego to Increase Number of Sewer Connections in Linnie Lac Sanitary Sewer District

Discussion and possible action to approve the payment of engineering and legal review fees of the City of Muskego related to the requested expansion of the properties served under the Linnie Lac Sewer Service area agreement with a not to exceed cost of \$5,000.00

Harenda: The City Attorney has received the documentation request between the private property owner who is willing to cover any costs that the City of Muskego may charge the Utility to take a look at expanding services to those parcels.

Blum: There is one property owner involved for all of the parcels that are being discussed to be added to the City of Muskego's sewer system. That gentleman is in failing health and has a power of attorney on the east coast. I have been working with his attorney to try to get this situation resolved. I received a

phone call yesterday that the agreement that we had prepared, the acknowledged revised form, was acceptable to them and they would get the signature; however, they will need to get the final version sent out to the east coast, then signed and notarized and return it. We won't take any action to move forward until we have the signed document in our hands, but I wanted to let you know that in principle it has been approved. This is the piece we were waiting for before you would consider taking action to agree to cover the cost that Muskego might ask for reimbursement on the engineering and legal review of our request for sewer expansion.

Wysocki: Could we make the recommendation to Council subject to the acceptance of the document so that we could cut down on the time?

Blum: There is a potential sale of the property that's involved here to help assist in paying for this gentleman's care. Yes. It is appropriate.

Ament: On the letter dated June 23rd that you sent to Attorney Sjostrom it says that 2 lateral connections will be requested. There are 5 or 6 individual parcels there?

Blum: I believe the 6th parcel may already be hooked up. I would have to check with JP on that. There are actually 5 lots that could have a connection, but it is my understanding that they would probably be looking to combine those so that there would be 2 connections amongst those 5 lots.

Ament: Is that something they are committing to, the 2 connections, or doesn't that matter?

Blum: Technically they would be entitled the 5, but practically they probably will only be asking for 2.

Harenda: There is also a connection fee of \$8,010 for each connection.

Blum: Plus, depending on when they bring the request forward there may be addition interest.

Motion by Alderman Wysocki to recommend to Council to agree to cover the costs for the City of Muskego reviewing the amended intermunicipal agreement subject to final documentation received by the City Attorney in an amount not to exceed \$5000. Seconded by Commissioner Dude and upon voting the motion passed unanimously.

Motion by Commissioner Morrisey to adjourn at 5:58 p.m. Seconded by Alderman Wysocki and upon voting the motion passed unanimously.

Please Note: Minutes are not official until approved by the Committee

*Respectfully submitted,
Suzette Hanley – Administrative Supervisor, Utilities & Streets*