

MINUTES
City of New Berlin
Utility Committee Meeting
Tuesday February 24, 2009

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

Excused: Commissioner Bob Dude

Others Present: Rick Johnson (Utility Manager), Jim Hart (Utility Supervisor) Mayor Jack Chiovatero, City Attorney Mark Blum, JP Walker (City Engineer), Ralph Chipman (Accounting Manager), Greg Bolin and Doug Nelson (Ruekert & Mielke), Chris Stamborski (R.A. Smith National), Dr. Paul Kreutzer (New Berlin School District Supervisor) and Sue Hanley (Administrative Supervisor Utilities & Streets)

Alderman Harenda called the meeting to order at 5:02 p.m. with roll call and declared a quorum with all members present except for Commissioner Dude who was excused.

OLD BUSINESS

UT A-09 Approval of Minutes from the January 27th meeting

Motion by Alderman Wysocki to approve the minutes from the January 27th meeting. Seconded by Commissioner Morrisey and upon voting the motion passed unanimously.

UT 01-09 New Berlin School District Request – Sewer Extension to New Berlin West High School

Harenda: Staff has forwarded the peer review from R.A. Smith National of the reports prepared Ruekert & Mielke with respect to the New Berlin School District request to extend sewers to New Berlin West High School (NBWHS). I requested some additional research by the City Attorney with respect to legalities of extending sewers past areas that are not within the ultimate sewer service area. Council is waiting for a recommendation from the Utility Committee. Based on their review of the Ruekert & Mielke report there is a consensus by R.A. Smith that this is a practical method.

Wysocki: We approached R.A. Smith back in 2004 and the report you gave us then to an extent validated concerns with regards to, let me make this clear, in New Berlin we don't have a sewage treatment plant. We have collection systems and conveyance systems that go to MMSD. In your report you reference the fact that the MMSD has included the New Berlin West High School in their 2020 Facility Plan. No board, no commission from the City requested that. It was put in their by our consultants. They are willing to accept additional flow to their treatment plant. The question remains is whether our collection and conveyance systems in place which were designed back in the late 60's, 70's and early 80's can handle that portion of New Berlin that would be dealt with by the New Berlin Sewer Utility as opposed to the western half of New Berlin which had its own sewer district utility, the Poplar Creek Utility which was supposed to handle New Berlin West and developments on the west side. We had 2 separate utilities and planning processes, 2 separate developments of the conveyance and collection systems. In your report you indicate besides being more cost effective for New Berlin West High School there would be no adverse affect downstream in the sewer system in our City.

Stamborski: During wet weather events.

Wysocki: When you did the analysis did you take into account the vacant properties that are in the metropolitan sewage district that are yet to be developed and have demands on the system.

Stamborski: My analysis was done to confirm the results of the R & M report.

Wysocki: You relied on that report for analysis of the future needs and commitments the utility has to those vacant property owners within the current system.

Stamborski: Yes. NBWHS does have an impact to the existing basin. What my analysis confirmed is what that impact is and how it affects this downstream basin in wet weather events. It was important in my report to show it does not have adverse affects but it does take up capacity in that basin that may otherwise be used for something else. There are existing rate payers in this district that aren't connected now would this prevent them in the future? MMSD has included in their overall capacity that this is taking up capacity in New Berlin basin 6 but it was important to show it does not negatively impact downstream during wet weather events.

Wysocki: I can understand what MMSD is saying even though I have concerns since they already have problems treating sewage in extreme wet weather conditions. Our responsibility is to our utility users within our collection conveyance system to users currently there but those currently not connected we have an obligation in the future, as they come will the system still perform without adverse impacts?

Stamborski: In consistency with our past reports in normal operating conditions there is capacity for this to come online. During wet weather events is the key, and controlling those peaks, which this report represents is how NBWHS is able to come on and still have available capacity for other users as well. Our past concerns were that if nothing was done for some of the downstream surcharging that was occurring nothing was going to change and that either upsizing the utilities, creating off site storage, etc. is something New Berlin would have to consider to take on outside sources. What this has done is to bring it in at base times when the sewer does have capacity and take it back offline when the sewer is in its most vulnerable position which is during the wet weather events, so it is a 2 part answer. During normal flow conditions, the basin has capacity. During wet weather conditions it does not.

Wysocki: In those normal conditions did you take into account those areas yet to be developed?

Stamborski: Yes. The review of their report was done with build out conditions.

Wysocki: Did you verify that?

Stamborski: Correct.

Wysocki: In the event there are adverse affects both to the utility in terms of its equipment or if there are damages as a result of back-ups by allowing this to take place, is your firm willing to take on the responsibility for compensation to the utility or utility users?

Stamborski: I can confirm that we verified the results of the report that was presented to us by the engineer of the school district Ruekert & Mielke.

Wysocki: Your firm has indicated this system will not adversely impact our conveyance and collection systems. Are you willing to share in the responsibility of any adverse impacts by the addition of this to our utility system or utility users?

Stamborski: We did agree with their report.

Wysocki: When we ask for some sort of surety or insurance you will be part of that?

Stamborski: Correct.

Morrisey: What percentage of build up does that basin have?

Stamborski: I believe in sewage flow there are reporting 51%.

Morrisey: If we would get into a full build in the basin, the length of the wet weather events that would be longer I would assume. Right now it is a short period of time that the sewer would surcharge and the high school wouldn't be able to add additional flow.

Stamborski: Correct. With more users the event would be longer.

Harenda: What if NBWHS through future expansions exceeds the 12,000 gallons per day? You are talking about 2 holding tanks – 15,000 and 25,000 gallons.

Stamborski: It is a 2-stage.

Harenda: How do we cap that so we don't have an issue in the future?

Stamborski: As designed the pumping system only distributes 25 gallons per minute or 12,000 gallons per day maximum. The schools are required to store anything over that amount in the storage tank. They have additional storage, the 25,000 gallon tank to store it in peak events. The 15,000 is for active storage during normal flows including peaking flows that they have at the school during non wet weather events. The 25,000 will be used in the event that downstream sewers cannot handle this and they are forced to retain sewage on site. They have up to 40,000 total gallons to store before they have to bring in a wastewater hauler to move it offsite.

Harenda: That is good for how many days of capacity at current usage?

Stamborski: One full day or normal capacity and in peaking events and roughly another day of peak storage. The discharge rate is 25 gallons per minute and 12,000 gallons per day to pump out.

Harenda: Who sets for the requirements of the surcharging and how it is enforceable?

Stamborski: R & M presented an idea in the downstream sewers that are considered our critical point in having a SCADA connected monitoring system, transducer float recorded when those sewers reach 75% capacity that triggers the liftstation pumps at NBWHS to shut down and begin storage. It would be wired into New Berlin's system to make this automated.

Harenda: Would they have the ability to discharge in major flooding events.

Stamborski: Not through the New Berlin system as long as the sewer surcharge is downstream. They would have to dump offsite. They may as part of negotiations ask if there is another site that they could pump or haul to, but that is a separate issue.

Harenda: The computers would kick on or kick off so we wouldn't be surcharging into the system in the wet weather conditions like the June floods of last year.

Stamborski: It would be safe to say that during surcharge conditions the disposal of that sewage would become the responsibility of the high school.

Harenda: They wouldn't have the ability to override the SCADA system?

Stamborski: Not as presented.

Harenda: In your letter it says that since 2004 MMSD has included this area in the 2020 Facilities Plan which means there is potential infrastructure there to handle the potential capacity, but you are aware since you are doing our I & I monitoring, that we have utilized that I & I effort to improve our capacity in the system for our current customers. The question Alderman Wysocki was asking is if we do a full build out in the basin and add NBWHS you don't foresee a potential problem or the utility or current customers spending money to upgrade the infrastructure in those areas.

Stamborski: Not from a base flow perspective. I do believe the City is continuing to do I & I efforts to improve the system's performance now and if that continues in the future and I & I is controlled, it won't be an issue. If it is as it is now it could become an issue in the future.

Harenda: Is NBWHS benefitting from the I & I work the utility has done in the past?

Stamborski: I would say so.

Harenda: You state in your letter NBWHS will need to request extension of sewer to the area, the city will have to establish cost and maintenance of liftstations, discharge locations, who is handling that?

Stamborski: These are what I consider negotiation points with the high school, utility and the city.

Ament: Things have apparently changed from the letter of Mr. Ludwig in 2005 and you are primarily saying the I & I work is the biggest part of that?

Stamborski: Without reading the letter now, I believe the biggest point the letter made was something would have to be done in order to handle the peak capacities of the basin as I explained. Whether that was offsite storage within the basin or relaying of utilities, that the existing I & I problem could not be handled within that basin. At that particular time it wasn't a problem in base flow conditions but the I & I. Almost dove tailing off that letter is where the idea of onsite storage at NBWHS came from. Instead of making it basin-wide in the City, it was detained on their site when the downstream system couldn't contain it.

Ament: Has there been any consideration in the studies that allows for any increased I & I as the system ages? Recently through no input from this Committee or Council, the MMSD sewer service area 2020 Plan was extended west. If we add any additional parcels was that considered, based on our master plan and our land use plan for the future?

Stamborski: The study was run using 2020 plans and their scenario and it shows this fits into that. It is safe to assume that by adding NBWHS you are taking up capacity in basin 6. There could be some point in time where you do run out of capacity, but not as presented here for base flow conditions. Concerning the I & I issues, is it safe to assume that sewers will get worse? It is safe to assume you will be battling the I & I issue moving forward. Yes. There could be a point in time where this basin would be at capacity again, if measures aren't continually controlled.

Ament: These future areas if they were added were not part of this study.

Stamborski: All of the areas in the 2020 planning was part of this study.

Ament: All of the additional areas on these maps that we have would be including NBWHS would still apply to basin 6, they could handle all of that in the future?

Stamborski: In a base flow scenario correct.

Ament: Since you are basing this off the R & M report, on page 3 and 4, that report refers to basin 5, R & M said this is acceptable with the system they designed but for basin 5, you are saying basin 6.

Stamborski: The interceptor sewer runs through basin 6 then crosses through 5 where Coachlight Drive comes up to Greenfield Avenue, so basin 5 is referenced, it passes through basin 5, collecting sewer there before heading east. Basin 5 in short is the biggest bottleneck in the city where the surcharging conditions do start promoting backups.

Ament: The report from 2005 on page 2, it says under #6, approximately 23% of the basin 6 area has yet to be developed or serviced with sanitary sewer. Much of the capacity from the sewer rehabilitation efforts will be needed to accommodate development in fill areas within basin 6 boundaries. In the last 4 years, that has built out or you have accounted for that within R & M's report.

Stamborski: It has been accounted for in their report. The only scenario that the high school would be able to connect in is when this basin does have its capacity which is in normal flow conditions. Each one of these reports starts outlining where it reaches its capacity is during wet weather events and that is where the high school would not be allowed to connect. The scenarios run there, the 2020 full build out were run for the NBWHS first to show what are the impacts of the NBWHS pumping constantly during these different events. When it showed it did increase surcharging in these downstream sewers, basin 6, basin 5, etc, that's when the solution was explored how can NBWHS be connected so it does not adversely impact the downstream basin during wet weather flow scenarios. That is the proposal.

Harenda: If we had full build up of the basin, would there be any additional requirements placed on them after the fact if we let NBWHS hook into the system and they hook up at a later date, will the utility be forced to place restrictions on them or additional cost?

Stamborski: If I & I levels are controlled the way they should or as models designed by MMSD it wouldn't be an issue. If I & I continues to be a problem, NBWHS will be taking up capacity that would otherwise be designated for someone else in the future.

Ament: I am trying to reconcile these 2 reports. On the R & M report dated May 2008 under evaluation on page 3 enrollment is not increased beyond it's 1200 students designed and is not expected to do so in the future and in your report of February 2009, on the first page, NBWHS is planning for 25% growth creating an increase in water usage to approximately 11,200 gallons per day.

Stamborski: I was referencing the new report from R & M it says that these pump stations would be designed for the ultimate growth scenarios of the high school. The timing of that is not certain at this point.

Ament: On the R & M report it says there may be an adverse effect on the sand filter performance meaning the current system because much of the north half of the filter area has been paved over by impervious material or built over with the storage concession building. These additions have sealed off the top half of the filter reducing or eliminating the oxygenation of the filter from the atmosphere and possibly contributing to reduced filter performance. When this was being approved, I don't remember anyone telling us this was going to be built over the filtration system. Maybe that is a question for staff, why we weren't alerted of that otherwise we may not have approved it. In 1997 when the athletic track was resurfaced, part of it was built over the filtration system. This Committee was not a part of that, but we were a part of the building. When the fields were built the drainage areas were channeled through the area the building was built so it has to have an affect on the system there and may have contributed to the problem. If the school reaches capacity during an event and it needs to be pumped there is something in the report about negotiations with the city about how it can be pumped out with a truck and put into the sewage system in another location. Where would it be dumped?

Stamborski: It is something they may be asking for. It is where or if, it would have to be discharged in another basin. There is believed to be capacity in the southern basins, but this is part of the negotiations.

Ament: That area is scheduled to be heavily developed as seen in the Comprehensive Plan. There was a reference in the R & M report page 4, 'given that basements are 8 feet deep'. 8 feet? Is that the number used for newer homes because they are normally 13 feet.

Stamborski: 8 feet is the typical number used in modeling when assuming basement depths. That was part of the initial reference in the report of how adding NBWHS would impact that area. That reference in my opinion became a moot point when they weren't adversely impacting the sewers downstream when the surcharging conditions were the same with or without NBWHS.

Ament: Maybe it is commonly used, but it obviously shouldn't be especially with newer homes because we are talking about in fill here, in some of those areas that would affect basin 6, they are not. There is some in fill still going on especially if you include the new service area if there is any expansion beyond that. Also in the R & M report in the June 2008 event the City of New Berlin did not receive significant reports of sewer back up in this area but it does say later on the June 2008 storm confirms the sewers in the Coachlight road area are stressed under current conditions. 'The solution prepared below will not increase the stress on this area in high flow events.' Do you concur with that?

Stamborski: Correct.

Ament: Ruekert & Mielke is the consultant for the school district and you are the consultant for us?

Stamborski: Correct.

Ament: Alderman Wysocki was talking about the insurance should these reports if approved, where the I & I or something else causes downstream problems. How would you propose to protect the people

already in it and the ones in the sewer service area that could be affected in the future should they be denied because if you look at the letter from 2005 it specifically points out there are areas where we had to deny people building homes within the basin because MMSD would not accept any additional flow.

Harenda: Your own company identifies basin 6 as a potential area that has deficient capacity already. How do you quantify future I & I work to protect the current customers if we add NBWHS into this. We spent a lot of money over the past 6-8 years over this and actually cut back since we got ahead of the curve than other communities out there. Your I & I report states there are moderate concerns in Basin 6 and 5.

Stamborski: I & I will be a continuous problem that the city faces. New Berlin has taken extensive measures to secure what they own in their own public utility system. I imagine based on regulations that you are held to by MMSD for example, that you may have to look outside of New Berlin's own sewer system in private areas if it becomes a problem to reduce I & I in the future.

Harenda: How do you quantify that?

Stamborski: By flow monitoring as that report did there. If we rehabbed every sewer in the city and I still have flow monitoring points that show we are above the allowable rates, we have to look beyond what we did already to meet their requirements. It is quantified the same way and what we are doing this year is to try to quantify where we are now.

Ament: That has been a substantial cost to Utility customers and apparently will continue to be. I still want to see what the City Attorney has to say how we can protect ourselves through insurance, whether it is through you guys or the school district. I understand the school district's position and why they want to do it but our job is to protect the Utility customers. Has there been any consideration given to the new Greek church going on the southeast corner of Stigler and Cleveland could be added?

Stamborski: It was modeled at built out conditions at whatever land use was, it was figured into it with a flow assigned to it.

Ament: That should not have been assigned to that.

Stamborski: If it was part of a different basin or crossing over to this basin, then no it wasn't.

Harenda: It is not in a basin, it is outside the ultimate sewer service area.

Stamborski: It would not have been.

Morrisey: You are proposing that the discharge be limited to 25 gallons per minute and 12,000 gallons per day which is about 8 hours worth of discharge?

Stamborski: Correct.

Morrisey: I would assume this would occur at night or during the day when it is low?

Stamborski: It could not discharge any more than that, but it could be discharging 24 hours a day if they have a full storage tank they have to discharge for example.

Morrisey: If we have an ultimate build out in this basin as it exists today in the 2020 service area do we have capacity for this additional 12,000 gallons per day in a base flow condition?

Stamborski: Yes.

Morrisey: How about in a moderately peak condition, saying a morning or evening peak?

Stamborski: During normal conditions yes.

Morrisey: We would have capacity as you modeled it. You are suggesting that the SCADA system be controlled by the City, we would turn it on and off, not the private utility.

Stamborski: That was recommended as an alternative in the report and I concur with that.

Morrisey: I have to agree with the other committee members that we need language in the agreement if we go forward with the school district for insurance in case this doesn't work.

Wysocki: I hope you understand why I am grilling you Mr. Stamborski. It is not that I want to create problems for the school district, there may be another alternative but they are looking for the most cost effective way of doing this but I hope you understand that you realize the responsibility that we have for the utility users, both for their safety and the investment they made. The real concern is the January 2005 letter from Tom Ludwig of your company who gave us a series of engineering concerns relative to a proposal to hook up to NBWHS. In response R & M made approximately 4 major points as to why that report may not be engineering accurate. They indicated a peak flow of 200 gallons per minute is exaggerated since it's based on New Berlin Eisenhower High School. They said that 2 sets of sewer surcharge data is questionable but we asked for that. They indicated a potential option for a temporary storage at the high school, so your firm had in front of it, in response to the 2005 letter during peak flows they would have a temporary storage facility on site at the school; however they would need the potential for hauling in extreme situations. The final point they made is the implementation of corrective measures including offline storage tanks and sewer over sizing or rerouting to improve our system capacity. R.A. Smith National responded to those 4 points. You indicated the estimated peak flow of 200 gallons per minute from a school similar to NBWHS was the best data and the flow was set at the expected flow in the midst of extreme weather condition. You said that 2 sets of surcharge data was used at the request of the city and the 2nd set was used to account for the presence of an epoxy coating in the downstream 27" interceptor sewer pipe. We asked for analysis for taking into account the I & I work we did work with the epoxy coating. The high school flow was based on 200 gallons per minute. We're expected to add an additional 1" in the level of wastewater surcharge as reported in the July 30th report. Although this appears to be only a slight increase, the 27" downstream pipe is expected to cause basement flooding with the completed manhole and sewer rehabilitation efforts. You also indicated the implementation of corrective measures could be completed to accommodate the connection by NBWHS to the city's sanitary sewer system. Manhole rehabilitation efforts have reduced the peak flow clear water entry in basin 6. The City's MMSD sanitary sewer service boundary is detailed in the 2010 plan currently ¼ mile west of NBWHS. It is outside of that. R.A. Smith and Associates recommend the city of New Berlin not allow connection of the NBWHS to the City's MMSD's sanitary sewage district. That is what you told us in response to your 2005 report, in response to R & M's review of that report. So now you are telling us 4 years later, that things have changed. The rehabilitation that we have done you had considered in that response to R & M and you said even with that you would be beyond your capacity available for those people yet to come online. Not you personally. In 2008 R & M came with another report. Nothing has changed in the data since your report of 2005. Our rehab work was done not so much for the capacity needs at MMSD but our internal collection and conveyance systems and even with the last major storm we had we still had basement backups in this area. I am concerned with what data do I take into account here and my responsibilities with the utility customers.

Stamborski: At no point in time did I imply in my review that NBWHS would not have a impact in the downstream basin because it does. To address your concerns on how it's changed is how they presented how it is going to impact. The 200 gallons per minute that we said that they do not connect into has changed to 25 gallons per minute per day only during times when capacity is available. This is a scenario if the City allows NBWHS to connect, that these are the parameters we feel it would be able to. There are still our questions as it relates to I & I downstream, but at no point in time was this going to allow NBWHS to contribute any adverse affects to the I & I that is already happening downstream.

Wysocki: R & M gave the option in the 2005 report of temporary storage in a tank for release at a later time when there was less flow. In spite of that you still gave us a recommendation to not allow a sanitary sewer connection of NBWHS to the city's MMSD's sanitary sewer system.

Morrisey: I think initially said they were just talking about pumping and not holding, but now they are talking about a controlled rate.

Wysocki: I don't think so, but I appreciate your comment. That was originally part of their response to the January 2005 report that we took into account. The issue of a controlled rate into this main even below 200 gallons per minute that could happen in a peak flow was still a concern. We understood there would be a reduced peak flow but even under those conditions we would be stressing the system. Basin 6 in our report today has serious concerns and we have an obligation to additional development. I am relying on the engineer's reports and I have conflicting engineering reports.

Ament: Alderman Wysocki read from part of the letter in 2005 and the rest of the paragraph says the history of the sewer surcharging resulting in basement flooding in basin 6, the fact that in fill on vacant developable land has not been allowed to connect to the system as a result of the 2010 basin capacity being expanded. Even when considering capacity gains by the sewer rehabilitation efforts, the modeling reveals there is still potential basement backups during a 100 year stormwater event. It would be difficult for the city to allow an entity to contribute to a system that has experienced sewer backup problems. I am having trouble understanding that made that much of a difference from 2005 to 2009, other than R. A. Smith National determining the report made by Mr. Ludwig in 2005 said we should not hookup. The 2003 map shows a negative capacity in basin 6 and 5, basin 6 shows almost 370,000 gallons which is apparently some of the basement backup. Has that changed?

Stamborski: The key to what has changed is when they are allowed to pump. When you look at negative capacities, NBWHS is not contributing in worse case scenarios. That is what was changed from the 2005 letter from Mr. Ludwig where it would be a steady release. In this scenario, the only time they are allowed to pump is when the basin has capacity in non peak events. That 200 gallons becomes zero when downstream capacity is not available in surcharging conditions. There are issues in basins 5 & 6. NBWHS will not add to that problem since they will not be allowed to discharge during these conditions.

Ament: If we already have those conditions, how can we add anything, even if it is in the smaller amount than what was predicted in 2005, even after the I & I work, we haven't done that much work in basin 6 to make up that negative 370,000 gallons and to add potential for additional infill that has not happened including our industrial park. We have added things since then. We have added more infill and there is potential outside the sewer service area approved by MMSD. I don't see the numbers to add for that additional capacity. If we go outside of the basin are we going to be forced to do that for other people who have financial or legal leverage to get in. I would like someone to show me where the I & I work has reduced the negative capacity in basin 6, adding in the infill, adding in the additional areas added in the MMSD 2020 plan and adding the NBWHS flow into this.

Harenda: We just receive this large report about a week ago and are still reviewing it. If you have questions submit them to JP Walker the City Engineer who will forward them to R & M and Chris would be the filter coming back to us to make sure it is correct and then come back to us.

The committee members asked the City attorney to discuss expansion outside of the ultimate sewer service area attach ability and legal issues.

Attorney Blum: NBWHS is in the 2020 service plan. They are the balloon on the string as the parcel that would be serviceable under MMSD rules. The concern that was expressed was to run a line to them and would that necessitate those that border that line along its course be forced to connect. The concept that was discussed was to have the district receive an easement from the city to operate a private sewage line within our right-of-way and then to connect up to a liftstation and manage the sewage to MMSD. The private sewage line would be owned by the district but their rights to utilize it, the amount of gallons, the flow rates, etc. would be in an agreement between the district and the city so that we would control the amounts and timing of the flow and they would not have the ability to connect anyone to that line. It is not a line owned by the city that would allow connections to be made, rather a line owned by the district and limitations with a limited amount of capacity which would be monitored through SCADA. I think legally it is plausible to proceed on that basis if the city wanted that type of connection.

Harenda: How about attach ability by outside parties not in the ultimate sewer service area at this time.

Blum: If they are outside of the area, they would not be able to be connected. They would have to be added to the planning area and then ultimately go through the service process, but at this point in time I

don't see it being expanded. There are properties west of there and surrounding there that would be permitted to connect if they are outside the 2020 service area.

Harenda: From a legal standpoint we rejoined a parcel of land for the school district for Ronald Reagan elementary school as well as extended the sewer service area for that parcel. By setting a precedent, that was utilized as a statement against us or speeches made to Council, if we let the school district to do this, why don't we let allow a further property abutting that the same right. How do we protect ourselves legally, what controls can be put in place so that doesn't happen.

Blum: To my understanding the Ronald Reagan school was in the 2020 planning area but that allowed service to be extended to, they went through the process that NBWHS is going through not to allow for connections to a parcel that is within the service area. We are not talking about expanding the planning area but allowing for a service connection to be made for a parcel within that area. That would be a distinction that someone on the outside not within the 2020 planning area requesting be connected, that would not be able to happen without that being approved by MMSD and going through the process. There would be significant difference between the Reagan situation and this situation in terms of ability for other properties to request connection.

Harenda: Having an outside party come in and forcing the school district to allow them to connect.

Blum: I don't know how a private sewer system could be forced to allow anyone to hook up. Granted they are a quasi-governmental entity but the bottom line is that they have control over their private property and they have no obligation to allow other persons to connect to the private line.

Wysocki: If you recall New Berlin Central was there and that was already in the sewer service area and receiving sewer service, so when they tore down the building and built Ronald Reagan we were just moving the line 100 feet to allow for continued use on the property. Service was already being provided.

Harenda: When do you stop it. 100 feet, 200 feet, half a mile.

Ament: If the city gave the district an easement for the string part of the balloon, who would be responsible to maintain it, would they be responsible for the system, liftstation and monitoring?

Blum: Those would be essential features of any agreement with them and would make sense that they would be responsible to maintain that line. You would require them to do the same maintenance schedule, televising the lines, verifying there is no I & I that you perform with the utility lines.

Ament: What would you suggest to be put into the agreement for insurance to protect the utility and existing customers and those that may develop that are already in the current sewer service area. Is that something that we can require of the district and/or R.A. Smith National?

Blum: I think the engineering firm is giving their opinion based on the information being supplied. What you are asking if that the connection to NBWHS results in damage to your system and other system users, you would like some part of indemnification on the part of the district for that risk. The first thing issue is identify that risk are backflows into the basement.

Ament: Yes or affect on future development. In the past in the first district people had purchased basically 2 lots next to each other, built one home and later on intended to sell the other lot when they retired. They came in and we told them you can't do it there is no capacity. They would also have to be protected in case this would have an affect on them.

Blum: I think the issue there would be identifying what the reason for the absence of capacity would be? I am not an engineer but from what Mr. Stamborski was saying, if for example we don't maintain our I & I and the lines deteriorate over time, is the reason the people can't connect up our own system or is there something that the school district added in terms of capacity. We would have to identify the source but assuming we can draw a straight line connecting NBWHS to our system and now we have an absence of capacity and backup in basements of users in the system, we can craft some language that would require if there is damage of that nature, that would be the responsibility of the district. Assuming this gets

passed, a big issue in the negotiations would be taking care of that issue and other issues we mentioned earlier.

Wysocki: Since this would be a private force main system including its pumpstation, is it potentially possible for other users along the way to share in that system if they wanted to without our permission?

Blum: Part of the agreement would allow no additional connections and we would have a cap on the maximum amount of gallons of usage contributed to our system that they could not exceed. By virtue of both of those provisions they would not be able to add to those by way of additional users.

Wysocki: I have a couple of questions for Dr. Kreutzer. I don't think I am in the position to comment on the report given to you by your consultants and their direction to you to present this project. I am very concerned that certain activities took place over the years to create problems in the effectiveness of the system you have, the building of the soccer field and placement of buildings.

Kreutzer: I am not an engineer but I can gather it is not ideal. It makes it difficult to fix anything if it beneath the track or blow out the system. It is not a very good system as built and is no longer functional.

Wysocki: You shared with us in a presentation earlier an analysis that showed financially why this became the best option. There was an option that primarily the system you are looking at would go into Poplar Creek. There is a Lagoon system that would have DNR requirements and there was a question if you had sufficient land capability to handle it.

Kreutzer: We talked to the DNR about that and they were less than enamored with the idea. You want to be respectful to the DNR and I think that as far as being friendly neighbors, I don't think people want a waste lagoon to be located anywhere within the city. We felt even though it may have been economic, as far as an environment and quality of life standpoint I am not sure people would like that.

Wysocki: The DNR requirement is for secondary treatment if not tertiary is required for open lagoons, so your system would still require that. Many years ago we had individual large scale sewage facilities in our city. Would you be willing to share with us those fiscal estimates?

Kreutzer: Ruekert & Mielke has those.

Wysocki: If you could provide the information.

Kreutzer: That is in the August 2008 report that you have.

Wysocki: I will look more closely at that.

Morrisey: They do have another alternative although the cost is 2 ½ times higher, waste treatment, the 20 year projected cost is approximately \$3.2 million compared to \$1.2 million.

Kreutzer: The waste treatment alternative is very unappealing to us for a daily management standpoint and is fairly problematic for a school where our usage is erratic at best. We shut down 2 weeks at Christmas, summer and weekends. We were very cognizant of the utility concerns. We are the largest customer and would like to discuss what effects we would have on the infrastructure. If we are to join as a stockholder we need to understand there may be a need for a negotiation on a by-in.

Ament: When I look at the document from May 2008 it says one of the recommendations is to connect to the city sewer system and cost in 2008 is approximately \$517,000. Later on it says for the septic system to be brought up to code the estimate is \$374,400.

Nelson: I think the difference there is to bring the cost of that current system up to operation would be \$374,400. In addition to that, a very short time down the road we would have to upgrade that system because a sand filter system will not remove ammonia. It will be regulated down the road.

Ament: When was the track built over the filtration system?

Kreutzer: The track was resurfaced in 1999 and was built probably in the early 80's.

Ament: In the mid to late 90's the entire wetland area was filled and apparently didn't get any permits from the DNR that also forced the drainage system that comes down through the Thornapple subdivision and beyond that put it right through your filtration system.

Kreutzer: I can't give you all of the causality of the current drainage system. I can tell you as is today it is not going to operate. No matter what I do, I will either have to put in a treatment plant at a cost of \$3-4 million or we are going to go to sewage. We are very interested in sewage for 2 major reasons: cost and the headache to operate a treatment plant. We are willing to do whatever it takes to get on sewage because that gap between cost and headache is so large we would be able to mitigate the impact we have on the sewage district. That mitigation is going to be easier than the complete tear up of what we have out there, which may involve a new track and relocating the shelter facility. My fear is if this goes south, is a multi-million dollar project, not just sewage. It is bad. I appreciate your diligence and by moving slowly we are answering some of the questions you may have. Your apprehensive is what will it do to your system, our apprehension is the treatment plant.

Ament: If the system has to be rebuilt or replaced, there will be other costs to the school. We have to look at how we got here and look at ways for this to not happen again. The school district in the past was part of the problem. How that wetland got filled and nothing was ever said by the DNR is beyond me.

Kreutzer: That is why I am in here right now. What do we have to do. Let's be slow and deliberate. Let's get the peer review. If there are more questions to answer let's ask them. I don't want to be here 10 years from now saying I'm sorry I didn't realize that subdivision will be under water.

Ament: There have been a lot of issues for that particular area, not just sewers, that we have had to deal with because these things were done unchecked. The concern is, are these things going to continue to happen especially at NBWHS.

Kreutzer: Not under my watch.

Ament: The concessions building built partially in the drainage way that was created partially because the wetland was filled by any knowledge of anyone apparently despite the best efforts of myself and a former alderman. Do you know when that was built?

Kreutzer: Between 2002 and 2004.

Ament: I would like to find out from our staff why we were not made aware of these potential issues that they were building on top of your filtration system. Who were the consultants involved in that?

Kreutzer: We have a problem and we are trying to do that in a partnership format. What do you suggest the school district do as the next step?

Ament: My suggestion is that we take the time to go through this and see what questions we might have.

Kreutzer: This is where I am somewhat ignorant on what we can or can't do, maybe our DNR official or MMSD can let us know. If it is a 40,000 gallon storage tank, maybe it needs to be 60,000 or 80,000. I don't know what type of limits they would allow us. Maybe instead of a 75% threshold on the gauges maybe we have to meet a 50% threshold. I know we heard talk about other people being added to the system and there is an ownership that they already have. I would like us in that ownership pocket. I understand it has never been designed for us. Let us buy in and be the large partner that can come in and be part of that future infrastructure that you are going to have to do anyway. I'm not saying we are the ones with the deep pocket but we are a major investor and I hope you look upon us with favor. If there is a hotel in here, I hope we get in line in front of the hotel. We are your school.

Wysocki: You indicated that the DNR is pushing the timeline here.

Kreutzer: They have been extremely patient. I do believe they appreciate seeing our due diligence and that we are moving forward. I sense that as long as they see us doing that and mitigate any one of our intrusions or problems, their patience is being maintained.

Wysocki: Has anyone or any organization approached you wanting to share in your proposal?

Kreutzer: That is correct. We told them in a very polite way we are not interested in anyone being part of our sewer line. My school board has told me unanimously anyone else on this line. They could offer to pay 99.99 % of that line. We are not entering a deal with anybody else. Period.

Harenda: Submit any suggestions you may have to JP Walker and he will forward them on to get answered by the appropriate person. Since the infrastructure does provide a light at the end of the tunnel for the school district, take a look at the other issues, cost sharing, legal issues, protection of our western half of the city, SCADA system, I & I. I suggest that myself, Rick Johnson, Attorney Blum and JP Walker sitting down with the school district to talk through some of these issues to get some ideas. I can bring some of that information back to the next Utility Committee.

Wysocki: I think it is an excellent idea. We can send the questions to JP but also copy you.

Ament: I would like to thank Mr. Stamborski.

UT 03-09 Request 2009 CIP Budget Adjustment for Utility Shop Mezzanine

Hart: With the CIP project from this year we had to replace and redo our floor in the south side of the drain system in our floor. It wasn't as bad as we had projected from years ago. We did have to rip out one bay and replace the whole drain system and a couple other spot repairs. Instead of the estimated \$25,000 it ended up costing about \$10,000. Next year we were going to ask for a storage mezzanine over our meeting area. We have this leftover from this year's project and wanted to push this up. We have records up at the office and shop and meters all over the shop so this would help with some storage issues. The low bid was Cubic Design and is similar to what you have at City Hall.

Wysocki: This is a 2009 CIP project and I think we are too early in 2009 to look at the possibility of doing other things. I congratulate you on being able to come under the anticipated amount, but I ask that you hold off on this until later in the year in the event there is something of a higher priority or urgency, it would be good to have that fund available.

Harenda: Do you think you will have to expend these funds on something else that may come up?

Hart: Not at this time.

Harenda: Do you think we are getting a better dollar now because of how the market is?

Hart: You have a substantially better deal now because the owner said they are looking for work. We did get about \$1,000 off the price. One bid came in at \$12,000 and the other \$13,200.

Morrisey: I think we should go ahead and do this.

Harenda: I understand Alderman Wysocki's concern and it improves the operation of the Utility.

Morrisey: If it was a larger amount of money, I think we should wait until the end of the year, but I don't have a problem with this.

Harenda: Any other CIP projects that you have that are running under budget? Your big work will come this summer.

Hart: Correct.

Ament: If we don't do this now would it be more appropriate to table this or bring it back.

Harenda: If we table it, you would probably have to bring it back and we will probably have to rebid it.

Hart: I would have to rebid it and the price may be a little higher.

Ament: What is the timeline on this and we will probably have a tie vote. If we table it, is it better to wait until we have our 5th member to push this one way or another. It can't be that urgent.

Motion by Alderman Wysocki to table UT 03-09. Seconded by Commissioner Morrissey and upon voting the motion passed unanimously.

Hart: Do you want me to bring it back in a month or next month?

Harenda: We can take it up again next month. The bids should still be good correct? Can you verify it?

Hart: I will call the contractors.

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

Harenda: Are we in any urgency with this issue? I wanted to talk to some of the residents in the area.

Walker: The issue has been put on hold at the Muskego utility committee to get our response. If there is a month delay to get our response to them, I don't believe it is an issue.

Morrissey: Could you provide next month what the service area is?

Walker: I have new maps I want to give to you tonight.

Morrissey: There are some blank parcels and some houses that don't seem to be connected?

Walker: There are some houses that are not customers. They have not chosen to connect.

Morrissey: We are not requiring them to connect.

Walker: You have to understand where the sewer is located. There are houses there but there is no sewer in front of them.

Motion by Commissioner Morrissey to defer item UT 02-09. Seconded by Alderman Ament and upon voting the motion passed unanimously.

Information TAT - Proposed Rev. MMSD Rules

Harenda: Do we need to keep this on the agenda or is this informational?

Walker: It was just on the agenda to give you a chance to review it.

Wysocki: I would like some more time to review this.

UT 14-08 I & I Expenditures Member Communities 2005-2007

Harenda: Sue gave us some additional information on some of the abbreviations in there. If you have any questions, please forward this to staff.

UT 09-08 Milwaukee Water and Rate Case Requirements

Harenda: I received some information with respect to the public hearing notices from the PSC regarding our rate increase. Usually when we go through the rate case process they hold their public hearing.

UT 07-08 New Berlin Urban Service Area Boundary

Harenda: This item is on the Council agenda. No action has been taken on it.

UT 05-07 Water Conservation Measures –Potential Rate Adjustments

Harenda: Commissioner Dude, Ralph, Rick and I have a meeting on this next week.

UT 12-04 Milwaukee Water Expansion – Timeline

Harenda: I did receive prior to the meeting notification that we held a public hearing prior to the Common Council meeting 2 weeks at the request of the DNR regarding the diversion request and the Great Lakes Compact. The clock was supposed to start ticking right away but it didn't. We were notified by the DNR they put it out for public notice and the 30 day comment period began. The diversion request is still on hold pending this review process. The Mayor, I and a number of other individuals attending a meeting January 28th to turn over our \$1.5 million to the City of Milwaukee. I believe it is in a holding escrow account until the diversion is formally approved and the agreements are put in place. If somehow it doesn't go through we will try to get our money back.

Chiovatero: The City of Milwaukee put the money in a customer account to separate the funds. Their City Attorney was going to look at if all the obligations were met so they could be able to move that into a different account.

Blum: I received a letter from them committing to leave the money in that account until the DNR has approved our application and allow us to move forward. Until that happens the money will not be released.

Harenda: We have met our obligation with the City of Milwaukee so we are working through the issues with the DNR and PSC.

Chiovatero: The public notice will go into the Journal Thursday which starts the public comment period. There has been a delay of about a week. I have been on the phone every day to try to get it going. Because we are the first ones out of the box there are a lot of eyes on it and they were making sure everything was covered. I was promised it would go out last Friday or Monday yesterday, There is group that is lobbying today in Madison so as to not excite a lot of people over something they feel is a strong application, they held it to today. They are having their public hearing March 12th from 4-6 p.m. in the Council Chambers here.

Bolin: The city did receive bids for the Grange and Greenridge pumpstations and wells 3, 5 & 7 modifications that was done on this past Friday. The bids were very favorable. We received 7 bids and they are well under our estimated contract. The bid hold time is 90 days and in addition to that the contracts call for substantial completion of the project once the contracts are signed and notice of award is issued of 80 days.

Harenda: You are holding the bids 90 days at this time. There was another meeting with the DNR here with Lee Boushon and a few other DNR department heads to discuss our diversion request. One concern that was raised is they had not started the clock with the public process which now they have. The other concern was that the DNR is still looking at coming after us for compliance issues with the radium consent order. They have not made a decision if they are going to refer this over to the Department of Justice. There have apparently been some issues with us being out of compliance and the regional office not talking to the central office, there appears to be some type of communication disconnect with respect to the DNR within the agency themselves. Our staff has been reporting on the wells, our pumping rates and what wells we have been utilizing. We have been out of compliance a number of times for certain reasons, one because of problems if we don't utilize the wells, other problems occur for health and safety reasons. I would like to ask Rick to bring us up to speed on that and update the Committee on when we were in compliance, when we weren't. It was a disturbing meeting. We have been working with the DNR for a number of years and they are still holding the strings saying we are out of compliance, even though we could have been in compliance years ago because of them. Don't be surprised if you see this referred over to the Department of Justice.

Ament: I am looking at a January 29th letter to Alderman Harenda from R & M it says they had discussion on January 20th, 2009 with the PSC Dave Shear. They are going to give a little more thought on the decision document they will issue with regard to the \$1.5 million dollar payment but added the ball is in their court. He did not see a problem but they wanted to cover all of their bases. It also says that discussion with Lee Boushon on January 28th of the DNR who indicated the water supply service area plan public hearing approval will take place on February 10th. Did it?

Harenda: No it did not.

Ament: It goes on to say the diversion approval could happen as early as April. If it didn't happen on February 10th what is the new date?

Harenda: He wouldn't give us one precisely. He said they are working trying to expedite it. Their reasoning was that this is the first application and they want to make sure that all the steps are covered. In a way they are making up the rules as they go along because the rules have not been written yet and they don't want to set precedence for future references.

Ament: The DNR is holding up the process, not intentionally, I realize this is their first time through, yet they are implying they may fine us for not getting the process completed and it is holding up the PSC.

Harenda: I raised the concerns to expedite and get this agreement approved and get the construction work on the pumpstations to turn the water on to the western half to get ourselves off of those deep wells, but he would not commit specifically to any dates. Now it is in the public realm for the hearing and you know that issues could be raised which could stretch the process out longer.

Ament: There is also a January 7th letter from the DNR from Matthew Frank. It appears that your submittal does not satisfy the requirements...and it goes on. Where does that leave us?

Harenda: That is the work that R & M had been working on in the last month and a half.

Bolin: I had a discussion this afternoon with Lee Boushon and Eric Ebersberger. The only thing I am aware of at this point is for the public notice to appear and the public hearing to take place and the public comment period that runs through March 27th.

Harenda: Previously to that we had to submit a bunch of new documents, but the same information that was submitted to them but in a different format. It was raised in the meeting is there anything else you want? We have been down the road before.

Morrissey: In Mr. Boushon's letter to you said that he thought the approval could take place as early as April but that was with a February 10th public hearing. Now that the public hearing is scheduled for March 12th I am guessing that is May at the earliest. That means there is 3 months of work before we can turn the water on?

Bolin: There is a time lag between when the award decision is made and the contract is signed so probably more like 4 months.

Morrissey: We are talking about September or October.

Wysocki: There is an approval that we haven't talked about much and that is the Great Lakes consortium, all of the governors approval. Is that a parallel process or is it dependent upon information relative to completion of public hearings, etc.

Bolin: I think the DNR is working with them and part of the process is completion of the public hearing.

Harenda: They do not have input on this. The DNR has final say. It is in the compact. We don't have to go out of the state for approval. Everything is in the hands of the DNR.

Blum: Because of the provision that we fit in on the contract that we have return flow into Lake Michigan there is no approval necessary from the other states.

Wysocki: You are sure about that?

Blum: Yes we are.

Motion by Alderman Wysocki to adjourn at 6:58 p.m. Seconded by Commissioner Morrisey and upon voting the motion passed unanimously.

Adjourn

Harenda: We did have a scheduled Privilege of the floor but we have to move to our Common Council meeting.

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

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