

MINUTES
City of New Berlin
Special Utility Committee Meeting
Thursday August 30, 2007

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

Excused: Commissioner Jim Morrissey

Others Present: Rick Johnson (Utility Manager), Jim Hart (Utility Supervisor), Mayor Jack Chiovatero, Greg Kessler (Director of Community Development), Nikki Jones (Planning Services Manager), J.P. Walker (City Engineer), City Attorney Mark Blum, Bill Mielke (Ruekert & Mielke), Phil Evenson (Executive Director SEWRPC), Evan Zeppos (Zeppos and Associates) and Sue Hanley (Office Coordinator Utilities & Streets)

Alderman Harenda called the meeting to order at 5:37 p.m. roll call with all members present except for Commissioner Morrissey who was excused.

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

Alderman Harenda: This is something that we previously discussed at a prior meeting but ran out of time, so we are having a special meeting to bring the Utility Committee up to speed on what has transpired in the past, present and what might happen in the future in what the Milwaukee Metro Sewer District is proposing. Mr. Kessler and Mr. Mielke discussed the MMSD plan, which was already approved by the MMSD board and SEWRPC and has been forwarded to the DNR who is reviewing it as of this time.

Mr. Mielke: It has been forwarded on to the Department of Natural Resources, correct.

Mr. Kessler: Phil Evenson who is the Executive Director of the Southeastern Wisconsin Regional Planning Commission asked that he be given the opportunity to present some historical information on SEWRPC's involvement in New Berlin. I understand many of you are here as a result of a letter that was circulated in the community. I want to apologize to you because my presentation will not focus on any type of sewer expansions to the west. There aren't any plans on file, there aren't any plans in the works, and there won't be. On the back wall there are 2 maps that I have provided that show the City of New Berlin's Ultimate Planning area that was instituted back in 1972 in an agreement with the City of New Berlin Common Council and MMSD. The original hand drawn map and legal description have been mapped by the GIS and this has not changed since 1972. The other map shows a series of 6 maps of current sewer service amendments for the last 20 years. Feel free to look at the maps and ask questions after the meeting. I think we should have Mr. Evenson discuss the differences between the current sewer service area and the ultimate planning area.

Mr. Evenson: I am the Executive Director of the Southeastern Wisconsin Regional Planning Commission and started with the commission 40 years ago and have personally been involved in every sewer service area planning exercise that the commission has sponsored or worked with the City of New Berlin over the years. He briefly distinguished between the 2 processes that are carried on. The first is the MMSD Ultimate Sewer Planning area that was set back in the early 1970's and it reflected City policy at that time. It is a line or area that is MMSD's line, and they alone are responsible for that line, although they seek input from SEWRPC and input from the communities. It is their line that they use for their large system planning efforts that are periodically undertaken. In recent decades, the MMSD has come to us to reach out to the 28 communities that they serve at the beginning of each of their processes on updating their sewerage facilities plan. That is an exercise they do about every 10 years about mid decade, so you can expect that to occur again about 2013 or 2014. In the mid 1990's we worked with MMSD and the communities and at that time the MMSD entertained proposals to change those outer limits of the sewer service planning area and I don't think there were any changes to the line for the City of New Berlin then. In this decade, 2003, 2004, we were asked by MMSD to again work with the communities and sat down

with elected officials and Staff, particularly Mayor Wysocki, and we raised the question about the MMSD ultimate service area boundary because that line is adopted by the MMSD for planning purposes. At the time, there were no proposed changes except to add like a balloon on a string, the New Berlin West High School to the MMSD ultimate planning area, just in case the City and School district wanted to abandon the private treatment facility and connect up the high school alone to the MMSD sewer system. That change was built into the MMSD planning effort for 2020, which was just recently concluded, and Mayor Wysocki signed off on it at the time. Eventually that got to the MMSD board itself and they adopted it. They are the custodian of that line and are the only ones that can change it. We can propose changes but it is their line and their line alone. That is, the MMSD sewerage system planning cycles every 10 years.

Now let's turn to the planning process that the City Council is in charge of that is sponsored by us (SEWRPC) on behalf of the DNR. Under DNR rules, we are required to work with every region that provides sewer service in delineating and changing from time to time the planned sewer service areas. Those are the areas the DNR pre-approves for sewer extensions that the engineers submit from time to time as development projects proceed. The City of New Berlin is in charge of that and we work with the City. The maps on the back wall are reflective of the number of times that we worked with you to change the planned sanitary sewer service area. That area cannot go beyond the MMSD ultimate line, but it is at the City of New Berlin's discretion of how far you want to extend sanitary sewer service within that line. We have been through this process a number of times.

Mr. Kessler: It was 6 times.

Mr. Evenson: In every case, we go to public hearing, we sit down with City Staff, there is a proposal made usually initiated by the City. The City comes to us and says it is time to update the planning map, so we work up a new map, we prepare a document and have a joint public hearing and explain it. We don't dictate the extent of the sewer service area in the City of New Berlin, that's done by the Common Council and the Mayor. In 1996 or 1997 we went through a major exercise, we proposed additional lands together, had a public hearing and there was a lot of adverse reactions to the proposals and the Council looked at all of the contentious areas had us delete from the map those parcels where the landowners involved did not want to be added to the sewer service area. I do think the record is amply evident that the City of New Berlin is in charge of that map, and it is that map that is important to you, not the ultimate MMSD service area. All that does is give you the ability to grow out that far if that is what you want to do, but it is entirely up to you, we are the planning agency to help you do that, but you make the decision.

Mr. Mielke: I did get a copy of a flyer that went out "Sewers are back again in City of New Berlin. Sewers approved west of Calhoun Road". It states that a City of New Berlin consultant requested an MMSD approved sewer service west of Calhoun Road. That is simply a false statement. There are 2 lines, the existing sewer service area and the ultimate sewer service planning area. That has been there for 35 years. We made no request to change or modify it. It was modified for the school site, and that was the only change that I can remember in my entire career working for New Berlin. We did not make requests to serve additional properties over and above what is in the current sewer service area. What's done as part of the 2020 Plan, MMSD has to look at their entire set of facilities for the entire 28 communities that they serve and look at the land use plan within the ultimate sewer service area and figure out what the population figure that could occur based on the land use plan for each community, and run models as to how their conveyance systems operate if and when those areas could be sewered and if they could handle it. The light green area has been planned and provisions provided in the hydraulic plan for the MMSD system such that in some future time if there are failing septic or wells that start to pick up pollutants from pharmaceutical, chemicals and toxics that people buy in the store and put in their drains. One of the first things that happens is to protect some of the private wells in that area you may want to put sewers in. That may not occur for decades from now when your children or grandchildren will need that. That green line is the insurance policy that the City has, if requests are made and the citizens want it, sewer can be provided without having to seek approval from other parties including the City of Milwaukee who currently runs the MMSD commission. The line is the insurance policy that the City has. It has not changed for 35 years. The classic example that I remember was in 1997 there were a bunch of areas that were thought to be needed to be added to the sanitary sewer service area, and when it went to public hearing, the people decided no. The majority of you said that they did not want sewer, the Council said no and those areas were taken out of consideration and not put on the map. Nothing has been

requested, nothing has been approved, those areas are just insurance policy pieces that have been in place a long time. They have been there a whole generation and hopefully they will be there for future generations so New Berlin can control their future destiny should they run into environmental problems in any of those areas. The MMSD have moved ahead and sent their plan to the DNR. There seems to be some contention that nobody knew about the plan. I think Greg Kessler has a pretty good file where MMSD has documented the voluminous numbers of ads in the papers for public hearings, presentations, symposiums, and documents that they sent out to the libraries. I don't expect that anyone in this room would want to read it, as it is almost 5,000 pages of technical data, but the point is the word has been out and it has been a very public process. The MMSD worked very hard to involve not only the elected officials as well as the citizens and the environmental groups. There was not a lot of controversy for the communities that had differences between their ultimate sewer service area and their current sewer service area like Muskego or New Berlin, because none of those communities that I can think of made changes to those boundaries, so it never came up as an issue or change that required a public process.

Alderman Harena: I was under the conception that prior to the MMSD board approving the 2020 Plan, they would present us with a copy of it and ask for our overall input and we would have the ability to publicly talk about it at the Utility Committee or Common Council or a public hearing discussing what was involved in the plan. The concerns we have is that there are a lot of dollar signs involving this plan and the City of New Berlin will receive very few benefits for what we are paying into this. The other concern is when talking about the current as well as the ultimate sewer service area, there are potential charges depending on some of the changes in the policies, of how they will fund and pay for capital improvement projects now and in the future, and that it may affect these ultimate areas. When does the clock start ticking? Does the charge start when they expand the line or when the plan is approved and we move sewers somewhere in the future 20 years out? Do we have 20 years of interest built up on top of that? Who is paying for that? We submitted planning data for 2020 of what we thought would happen in the City over the next 20 years, but some of the changes that have been made at the MMSD board might spur or push development sooner than later and that is the concern that has been raised.

Mr. Mielke: The MMSD project is very expensive and there is a whole discussion as to how MMSD looks at pollution point source vs. non-point source. That is the movement toward going to a water quality watershed permitting system to try to get the biggest bang for the buck in improving water quality. To your direct point of the properties in the green areas on the map, they are not currently charged by MMSD and the bill does not come to the City for any of those properties. There is a provision in the new rules of MMSD that states if an area in the green area has a petition by citizens that they wish to have sewers installed, as part of that, the district sends a bill to New Berlin for the equalized value of the property inside the current sewer service area, the people that are served by sewer, based on the value of their property. Remember the Sewer Wars that went on when we said charges should be based on flow and MMSD said it should be based on the value of your home? They are sending that bill to those properties that are in the current sewer service area, so if you want in and you petition for your subdivision or your home to have sewer service, you have to go through the whole process, first the City agreeing they should serve you, then a public hearing after SEWRPC makes a finding it was proper to do so, the public would have to be in favor of it and the vote by Council would have to be positive. If you made the request in 2010, they look at what your property would have been charged in 2007 just for capital, and what your property would be charged in 2008. Right now it runs about \$1 per thousand, so if you have a \$200,000 house it would be \$200. They would say that you missed 2 years of payment since the facilities plan went in so you would pay \$400 to be put into that sewer service area. That is how they would make up for that area not being in at the time of the passage of the 2020 Plan. That would continue on through 2020 so the worse case would be if you came in at 2019 and you would have to add up those 12 years, but if you waited until 2020 it goes back down to zero and they start counting from the 2020 Plan to 2040 Plan again. It is in 20 year increments that you go up the ladder with adding what you should have paid if you come in any time during that planning period until you connect. Otherwise that area is your insurance area and costs the City nothing.

Alderman Harena: What about the charges for the existing Utility customers that are in the current sewer service areas?

Mr. Mielke: MMSD has 2 proposals in the Facilities Plan. The full implementation plan and the adaptive implementation plan. The difference is that many communities when they put their data in as part of the

plan and project add very optimistic growth patterns. If all the communities are optimistic, it never happens in real life. Some of the communities will be successful, some will not, they all won't reach their goals, so the District is looking at an adaptive implementation plan and that is to build the facilities for a more conservative regional population projection that matches the regional plan instead of the sum of all the communities estimated populations. Under the adaptive plan, MMSD charges to New Berlin will be approximately \$141 million and that will be over the next 35 years. Under the full implementation plan if everyone grew to the projected population that they looked at, New Berlin's bill would be approximately \$170 million. Of that \$141 million of the adaptive implementation plan, \$26 million would still be outstanding debt after 2020, and would go into the next planning period because the fact that the district is trying to spread the cost of the 100 year type construction projects over more than a 20 year planning period.

Alderman Harenda: \$141 million includes all of the whole group, all the communities?

Mr. Mielke: \$141 million is New Berlin's bill.

Alderman Harenda: That would be part of the \$400 million they are projecting for the I & I as well as the flow monitoring?

Mr. Mielke: The full adaptive plan that the district has is \$3.0 billion to be spent for the 2020 Plan plus the committed decisions that they already have. The full implementation plan would be about \$3.8 billion. New Berlin's share is the \$141 million

Alderman Harenda: At this point the plan has been approved by MMSD and forwarded to SEWRPC?

Mr. Evenson: We are not in the pipeline of approval. We just commented on it as you had the opportunity to.

Alderman Harenda: It is in the hands of the DNR as of June. The Council has fostered some resolutions over the last 6 months to MMSD on some of the things we are not pleased with, especially the dollar amount of the plan. What is the process? The DNR comes in and says if they approve it, what input do we have, when is the report finalized and is it good for the next 10 years and then they start the schedule all over again?

Mr. Mielke: New Berlin did comment and the comments did have weight. The district as part of their implementation process did move toward backing what New Berlin said in the Common Council resolution that the district had started to get to a point where you had a law of diminishing returns, and that MMSD Plan said that SSO's (Separated Sewer Overflows) were part of the pollution that comes from the suburbs that have separate sewers was only 1 ½ % of the overall pollution problem of the region and yet the district was going to spend all of the money of the program to attack this 1 ½ % of the problem. Logic would say, if we spend all of this money on 1 ½ % of the problem will anyone notice any improvement in water quality in the region when we are done. The answer to us was no, but the DNR is making us do it. New Berlin went on record saying this is wrong, and said #1 if there is a way to better spend the taxpayers money it should be followed, even if that requires that the state back a plan that has not heretofore been used before in Wisconsin with a water quality based permit where you can go out and try to locate where the biggest problems of water pollution, and that is in non-point source pollution, spend your money on that, and not keep spending your money the 1 ½ % of the problem and you will then have better results. That resolution from New Berlin and a bunch of the other communities got them to put in a plan that does 2 things. 1. The plan satisfies DNR and the regulatory process and that means if nothing changes and we can't get the government to change, we will spend the \$3 billion and you will have virtually no improvement in water quality. MMSD believes there are much more benefit to society and the taxpayers if you go after the watershed basin permit and working on non-point source pollution. So we are going to take a bunch of the elements of the facilities plan that we would not have to do if we were working solely on water quality based permitting and put those off on our project plan until 2015. That will give us time to work with DNR and EPA to try to establish this plan to refocus where the pollution really is and spend less of our taxpayer money on those other areas and not have to build some of these other facilities when it approaches 2015. That is the plan. Coalitions, communities and advisories will be set up, and the question is whether or not we need another layer of government. New Berlin opines that

we do not need another layer of government in southeastern Wisconsin, but the plan should be run by the DNR who is the permit issuer and monitored by SEWRPC who is charged and invested with the water quality management plan. All of those things have not yet been resolved and hopefully will be if we get enough public support to do the right thing. The DNR has a couple of options. The DNR will put a notice in the paper toward the end of the year that they are in the process of reviewing the plan; they will solicit additional public comments. Hopefully by then, we will know what our options and alternatives are for moving toward working on water quality measures and people will be able to opine to the DNR to get off their high horse and work on a permit system that would allow us to look at water quality not just spending money. We will need public support. The logic is there and we just need the political will to bring all of the communities together so that they do this on the entire watershed. The watershed takes in more than the area of MMSD; it goes way north, to the headwaters of the Milwaukee River, those of the Menomonee River, and the surrounding areas.

Alderman Harena: Do you believe that we still have the opportunity to have a public hearing to do something internally, gather information and technical data and still submit it to the DNR later this year?

Mr. Mielke: Yes.

Commissioner Dude: I was asked by Mayor Wysocki to represent New Berlin for a portion of the 2020 Plan and spent about 2 ½ years attending meetings, and it was very frustrating as a bean counter, a finance guy. We kept asking these people, we want to see a cost-benefit analysis--if we spend millions of dollars, what do we get back? I can remember one meeting where they said if you have this kind of fish it could live if we spent x\$. They didn't say catfish, bass, bullhead or crappy, it was this very mysterious kind of carp. I looked around the room and suggested that half the people in this room had college degrees and/or master's degrees, and I wanted to see some cost-benefit--if we spend so many millions, what are we going to get back--the sound of silence was deafening! We did put our 2 cents in and tried to get our point across, but frankly it was a very frustrating process. At the end of the day, the MMSD had 7 votes from the City of Milwaukee, we--everyone else--had 4. I did report back to the Utility Committee and we had input on this thing, but at the end of the day we spoke, but that is all we could do. I did notice in the ES13 Executive Summary, they put forth 2 plans. One speaks about an annual average capital budget increase of 4.7% and you spoke of 8.45% for 2009 to 2018. Does DNR have a choice on this?

Mr. Mielke: The recommendation is the Adaptive Implementation Plan.

Commissioner Dude: The 4.7% of the Adaptive Plan is only the capital budget increase. They say in small print that the operation's maintenance cost for the average household is \$2 per year starting in 2014 for that particular plan. What I don't see is that we put that money in there, what do we get back; there is no answer there.

Mr. Mielke: It is buried in the report, it does say under the Regulatory Plan that MMSD has, after the expenditure of this recommended plan, there will be no measurable improvement in water quality.

Commissioner Dude: So the benefit of the cost is zero.

Alderman Ament: In all of the water quality of issues, finance is important to this whole issue that is as much regional as it is local, I think most of the people are here because of what should have and did not happen here locally. We had asked many times about the 2020 Plan, when we were going to see it, when it was going to be presented to us, when we were going to have the input, and we were told again and again that we would have that information before a decision was made. We were told that we would have a public hearing, maybe several and we were told that we would have that opportunity before MMSD made a decision. Now you are saying that you represented us and we didn't get that information on that level. Who dropped the ball? I didn't get it; my constituents know I let them know every time a quarter drops out of the pocket here. I inform them about just about anything that goes on here that has an effect on them and what they are interested in. We never were given that opportunity. I am wondering why we were never given the opportunity to look at it. There was a resolution that came to the Council on October 8, 1997; I do not have the minutes to include it. The requested action was that Council approved revision of the sanitary sewer service area and request that SEWRPC make the revision. That was turned down by the Common Council at that time. Those areas were taken out that you are looking at on

the map in 1997 by the Common Council, according to the newspaper articles and from what I recall. In 1998 the Mayor had a new Council and tried to add it back in. They were not added back in. My concern is that in 1997 the same group of people made that pitch here at Common Council and it was denied and taken back out and here in 2007 we were not given the same opportunity. If the Council in 1997 had the say whether they were in or out how come the Council in 2007 doesn't have the same opportunity? We were told that MMSD has made that decision. We can talk about a public hearing at MMSD, but why wasn't it here at this Council like it was in 1997. I think that is what most of the people sitting here would like to know.

Mr. Mielke: 1997 was a request for a sewer service area amendment and that is on the back wall, one map says here is what was proposed – it is called pre-hearing 1997 sewer service area amendment. Then they had the hearing because it was a local decision and the Council passed the resolution after hearing the people's request to take those areas out and they were taken out. The report that was published and stands today, and those areas are still out and they have not been requested to be brought back in, so they are not in the plan. Nothing has been done as part of the 2020 Plan to change those decisions made in 1997. That is why there was no public hearing for it, because no one has asked to change anything from what it has been from the ultimate planning area that has been in existence for 35 years and the local actions for the current sewer service areas are intact based on the council's wishes and the opinion of the people.

Second, MMSD did a lot of things. They had different Council people on advisory committees. They had watershed advisory committees. They had ample opportunity for anyone that wanted to from the Council to participate and for citizens to participate in the planning process over all these years and many people from this area did participate. Kevin Schaeffer came out here in March when the district knew what their plan findings were starting to form into and came to Council and gave a presentation, and put each chapter on the website available to everyone. A letter was sent out to the elected officials from all 28 communities saying that a more in depth briefing was going to be held prior to the public hearings and that was at Discovery World in Wisconsin and I think some of the people from New Berlin attended that. SEWRPC and MMSD gave a full explanation of what they were putting in the plan and what was coming down the pipe. In April, a summary of the planned documents was sent to each community, what you would call the Cliff notes of the 5,000-page report. There were reminders sent to the communities about additional briefings and I sent out emails to the communities telling you that some of these you guys should go too. After the draft chapters were posted on the webpage, they were open to comment for about 1 month and that went on for about the last 1 ½ years. We have copies of the many advertisements and notices that the district put out so I have to say it was indeed a very public process. As to sewer service area, the reason that they didn't have anything is that nothing changed on the sewer service areas, and there were no decisions or requests to change anything from the way Council had directed it the last couple of times they changed the plans.

Alderman Ament: I guess I am curious, on the map that was up there previously where it shows the new areas. If nothing has changed, why is the portion on the right side in blue and the portion on the left in green. Is it now being included in the green?

Mr. Mielke: No, I think that is the misunderstanding and that is probably why a lot of people are concerned and nervousness on folks west of the blue line. The blue area is the current sewer service area as acted on by Council and put in place, the other areas are simply the remainders of the area that are still inside the MMSD planning area but not part of the sewer service area. They weren't added, they weren't requested to be added, and if they were to be added you would have to go through that whole public process right here at the City.

Alderman Ament: So you are saying that the green area is still not in the service area?

Mr. Mielke: That's correct.

Alderman Ament: So if someone in that green area requests it, they can't get it including Section 35?

Mr. Mielke: They would have to come and go through the entire public process here, it has nothing to do with MMSD. They would have to come here and request it at the Utility Committee, then Council, and if

you thought the area should be served and usually you would take a poll of the people and see if they wanted the sewer, you would go to SEWRPC and say we have a request for an area to be added to your sewer service area.

Alderman Ament: Could you presently do that in the green area and start hooking up?

Mr. Mielke: They can request it, but they can't start hooking up, but they have to go through the whole public process and the public hearings and see whether people want it, agree with it or not, and if they do and the Council passes the resolution that yes we think these people should be added, then SEWRPC has to approve it, and it has to go the MMSD and DNR for their approval. If all of these parties approve those actions by the Council, then they could have sewers extended to it.

Alderman Ament: In the past we have been told that anyone in the green area, Section 35 west to approximately National could not start connecting to the MMSD until this was approved. I am trying to determine what changes in this green area, why it is even there then.

Alderman Harenda: The point was, and I think I follow Alderman Ament's concern, that according to the City's Master Plan, sewers were coming into Section 35 and eventually would fill out the rest of this portion of Westridge. You are saying that is not part of that. You are saying that anyone in those areas still has to petition, it is not part of this land, is that correct?

Alderman Ament: I guess I am trying to draw the distinction, for example if one business was told that they couldn't hook up until the 2020 Plan was adopted and if nothing is changed then why do we have to wait for the 2020 Plan to be adopted?

Mr. Mielke: One other nuance. They can ask for it. The reason you need the 2020 Plan is the district under the 2010 Plan ran out of capacity for a bunch of the basins within the communities and we have to look at what we are doing. They told all of the communities where they ran out of capacity, don't apply for any more areas until we finish the 2020 Plan. All the 2020 Plan did is it had them look at their conveyances all along and they now have that put in place. They do have capacity, but that's the only reason that they said don't do it until the 2020 Plan. The process has not changed.

Alderman Ament: I thought we solved the capacity problems with the I & I issues that we so generously have taken care of. All of the I & I money had nothing to do with the additional lots that we added east or in the sewer service areas that could not subdivide because of sewer capacity.

Mr. Mielke: You had problems inside your existing sewer service area where the districts said your flows are higher than they should be and therefore inside the sewer service area where you already had approval. They said no more connections in those areas until you show us that you have a positive movement fixing up your sewers I & I.

Alderman Ament: I am having trouble understanding why there is a change, if there is no change here. I am also concerned about the public input and I know Kevin Schaefer did come out here and did show us some stuff, but as you said it is a 5,000 page document. He did give us some scenarios and he did give us some information, but the reason things were not overly questioned at the time he was giving the presentation was that it wasn't the final plan, and secondly we were expecting and waiting for some sort of presentation, some sort of public hearing, some sort of information that was firm that we could work on at the Council level so that we could get that input, the same input that they could get in 1997. We keep hearing that we have had all this input; we haven't seen it, as alderman we have not seen it or conveyed it to our constituents. Kevin Schaefer in an email to me said that he worked very closely with the communities in SEWRPC. I have been told time and time again that we don't have that information so we couldn't have those meetings. He also said that SEWRPC and the communities don't want the area included in the target year. We didn't include it in the plan. So who authorized this to be in there? I know you are stating it was always in the plan, but I am having trouble drawing the distinction between 1997 and now. We have no choice at this point other than at the DNR level. Are they going to have public hearings or are we going to have public hearings here before that decision is made so that these people can voice to us as their elected officials what they think and what they want, so we can properly represent

them. Right now I don't feel that I have the information that I need to make that decision and part of the first leg of that decision has already been made.

Mr. Evenson: Alderman, I don't want to confuse you anymore than I did already. There are always 2 different processes, and ours is a continuous process of working with you at amending the sewer service area into which you can easily extend sewers. That is the blue area that you have today. The 1997 process was our process, not MMSD's process. It came along about the same time, but independent of the work that the MMSD people were doing on their broader facilities plan. Back in the mid 90's you didn't get any more input opportunity into the MMSD plan that you did this time; in fact it was about the same. You had some input back then too, but it was independent and separate from the process that resulted in demapping from the proposed map a whole list of properties that the Council decided were not ready for sewer. We abided by that and it was sent to the DNR and approved with the exception of one change since then, which was the Reagan School that we had to add. Is that correct Greg?

Mr. Kessler: That is correct.

Mr. Evenson: We did that at your blessing and at your request, with that exception that map is unchanged from 1997, but that was our work with you directly and the DNR. MMSD was peripherally involved. It was not the MMSD Facility Plan for 2010.

Alderman Ament: Maybe I didn't understand completely what Alderman Harenda had asked. Are we able to take these areas based upon what these people want, whether it is a particular parcel or a section of the City, do we still have the ability to influence if they are in or out of this service areas?

Mr. Evenson: When it comes to the planned sewer service the areas in green will not be added until this Council decides it. That is our planning work with you, you lead we follow. With respect to the MMSD Facilities Plan, the green is into the broader big picture thinking. That is the insurance policy that Mr. Mielke is talking about. It insures that if someday this Council wants to add 1 parcel or 100 parcels in that green area to the blue, MMSD has in effect has pre-approved it, but you don't have to do it, and it won't be done until you decide it needs to be done.

Alderman Ament: In theory that is very true, but in reality I think what we have control of as alderman, especially when it comes to development, as we have seen in several lawsuits over the years, we have very limited control over that, so once these areas are available, some of them will be acted on and some people will be in between those areas as they were when Westridge was built. That is the concern that these folks are having and that is why they don't want to be included and they would like to see us permanently take that green area out.

Mr. Evenson: I understand, and I will tell you tonight that you have the ability to add specific parcels to that blue area, you don't have to put that whole area in, you can skip over developed lands and add undeveloped lands, if that is what you want to do. You can do like we would do for the New Berlin High School, now we haven't done it yet, it is in the Planned MMSD area, but you haven't added it to your sewer service area, but someday if you want to do that you can put a balloon on a string, serve only the high school, nobody else that is your decision. You can do the same thing anywhere south of National Avenue that you want to do. You are in control.

Alderman Ament: Again in theory I agree with you, but in reality we have certain restrictions where we can't say no and that is always been the concern. We have seen it happen time and time again here. What I am trying to ask is, at this point in time, what ability do we have--not as planners, not for individual parcels--but what ability do we have to influence any part of that green area being included in the service area of the 2020 Plan. Do we have the ability to take that out as they did in 1997?

Mr. Evenson: You are confusing the 2 processes again Alderman. I would say at this point in time, you have no ability to influence the MMSD's planned work. It is done. They are not going to go back and visit it 10 years from now, or 8 years from now. You can write a letter to the DNR and say you don't like it, but I don't think you are going to get very far. The work is all done; it is packaged and sent up to Madison. The sewer service thing on the other hand we work with you, we control the timing of it and when, and

maybe 10 years from now maybe none of that green area will be added to the blue and God bless you if that is what you want and that is all in your hands.

Alderman Harenda: When Kevin Schaefer was out here 1 ½ or 2 years ago we thought we had the ability to have our internal discussion on these issues and we apparently didn't have that. I know you made the comment about the letters and the meeting they had at the Discovery World in Wisconsin. I read the letters. It was just a presentation not the understanding that the clock was ticking and shortly thereafter they were going to approve the plan. That was never relayed to this Utility Committee. This was the first time this Committee has discussed this. We are big on open government and want the people to know what is going on and keep them informed. Sewers have always been a big issue on the west side of New Berlin and the Master Plan designates that sewers don't go beyond Calhoun Road. I understand this area was put back in the 60's and 70's as more of an insurance policy but we thought we would have the ability to weigh in on this. This doesn't seem the case based on what Phil is telling us. We have the opportunity 10 years from now. We can have a public hearing internally and discuss it and basically write a letter to the DNR, but that is not going to get us anywhere I guess and the only other thing that we do have control on is if somebody does petition any specific areas to include within the existing service area. It would go through the formal process at that point.

Commissioner Dude: I am a New Berlin resident of 25 years and I have been on this Committee since 1999, and I have not heard anybody on this Committee talk about extending sewers. As a Citizen member, not an Alderman, I can tell you that I represent the Utility not the City, and most of you folks I don't represent. The Utility does not make any money when we extend a block out. That is not a good thing for the Utility's bottom line because if we have 10 people out there that we have to spend a couple million dollars on, we are not going to be able to divide it by 10 and get our money back, at least not in my lifetime. It is not in my Utility's best interest--and that is who I represent--to extend sewer for only 10 people. Saying that, if you are one of the 10 people whose sewer went out, and belched all over your yard and you can no longer put another mound system in, you might want the Utility to come and serve you because otherwise you might have a smelly yard! So, at this point and time, while your sewers are working very well, you don't want that green line to be there--and I don't want it to be a blue line, because I know the Utility is not going to make any money on it. However, I would think, that if in fact your mound system went bye bye, you might want that green line and our sewer pipes there as insurance.

Alderman Ament: I am not trying to make this any painful than it has to, but if my septic system decides to belch all over that is what Com 83 is all about. Com 83 allows me to build a mound system on my property so that I don't have to have that sewer and one would think it would be in the best interest of this regional water quality to have less people on the sewer system, there would be less I & I and let those people on the west side of New Berlin who want to keep it a rural atmosphere to keep that and to sustain ourselves on our wells and our septic. That is all backed up by everything in the Master Plan and by the way it is not 5,000 pages, and it is a lot easier to read with the growth policies of the west side and the east side, but primarily the west side. I do represent those people, as well as the Utility, and over and over they say their reason for choosing to live in New Berlin is because of the privacy and quiet and the rural environment. This goes on and on and it is the theme time and time again and I reiterate that I am not comfortable, that once this is in and the fact that I don't feel we had the proper opportunity to represent our residents on this issue and including them that I am not comfortable that we have the ability to say no when the developer comes there. He has the ability more than we do. I understand that you guys are heavily involved, with MMSD, are talking to each other, and talking to our Staff, but that does not help me represent my people. To get little pieces from Kevin Schaeffer and you guys at different meetings is not what we expected. We expected to have this type of opportunity to ask you guys questions, and I shouldn't have to read 5,000 pages. I should be able to easily get this information, and that is why we have you on the payroll or the state does, or the communities do, to give us this information and break it down for us. If I was an engineer and I had all that time I would do that, but I don't. My job is to represent the residents in my district and the Utility and for both groups, this is a bad move. We can improve water quality by not adding more poop to the system.

Alderman Harenda: My thought at the beginning was to possibly hold a public hearing or have a potential input, have Bill as our technical advisor as well as Staff put on a similar presentation to the Common Council to get the aldermen up to speed and after that presentation we could have the ability for the public to weigh in, and get the feedback from the public. We don't have much say over this but we can

still submit something to the DNR as well as SEWRPC for future reference and reinforce what we want to see as well as our compliance with the City Master Plan. I think we can talk about it at a future meeting.

Mr. Kessler: I would suggest or recommend that the meeting that you hold be a joint meeting between the Planning Commission because they do have some code authority in terms of boundary amendments and so forth.

Alderman Harenda: I will keep that in mind.

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 concerning Bargaining for the Purchase of water from the City of Milwaukee

Motion to go into Closed Session at 6:50 p.m. by Alderman Ament. Seconded by Commissioner Dude. Roll call vote: Alderman Ament yes, Commissioner Dude yes, Alderman Seidl yes, and Alderman Harenda yes.

Motion to go into Open Session at 7:51 p.m. by Alderman Seidl. Seconded by Commissioner Dude and upon voting the motion passed unanimously.

Reconvene to Open Session

There were no further discussions on any issues.

Motion to adjourn by Alderman Ament at 7:52 p.m. Seconded by Alderman Seidl and upon voting the motion passed unanimously.

Privilege of the floor

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

*Respectfully submitted,
Suzette Hanley - Office Coordinator, Utilities & Streets*