

**MINUTES  
City of New Berlin  
Utility Committee Meeting  
Tuesday April 26, 2005**

Members Present: Alderman Harenda, Commissioner Bob Dude, and Jim Morrissey.  
Alderman Ament (arrived at 5:26pm)

Absent: Alderman Gallagher

Others Present: Ray Grzys (Director of Utilities & Streets), City Attorney Mark Blum, Rick Johnson (Utility Manager), Jim Hart (Utility Supervisor), Larry Wilms (Division Engineer), Steve Schultz (Ruekert & Mielke), Mark Thurow and Michael Judkins (Water Well Solutions) and Suzette Hanley (Office Coordinator Utilities & Streets)

Alderman Harenda called the meeting to order at 5:10 pm declaring a quorum with Alderman Ament and Alderman Gallagher expected later.

**ITEM E-05 Approval of minutes from March 22nd meeting**

Motion by Mr. Dude to approve the March 22<sup>nd</sup> minutes. Seconded by Jim Morrissey and upon voting the motion passed 3-0.

**ITEM F-05 Approval of minutes from April 12th meeting**

Alderman Harenda said that the Committee could not vote on these minutes since Bob Dude was not in attendance and they did not have 3 members to approve the vote.

**ITEM 12-04A Milwaukee Water Construction Update #8**

Steve Schultz from Ruekert & Mielke gave the status of construction and indicated we are still on schedule for an early June substantial completion.

- Water mains installed, safe samples received, mains charged
- Punch list items remain to be addressed and restoration work will begin soon in next 2 weeks
- Settlement issues in the pavement will be dealt with when they arrive.
- Greenridge pumpstation – Brick work is done. Certificate of Substantial Completion issued March 16<sup>th</sup>, just Spring restoration and seeding left to be completed.
- Grange Ave pumpstation – 75-80% complete, outside building work complete, process piping ready for pumps, and some interior work proceeding, pumps will be delayed until May 8<sup>th</sup>. Still on track for early June Substantial Completion Cosmetic work will be finished after water starts pumping.
- Liquidated damages to date: \$72,700

Commissioner Dude asked what happens when they say “turn-on” the Milwaukee water?

Mr. Schultz said that we will begin a long process of flushing mains prior to start-up and the hydrant flushing program will be ongoing prior to start-up. He said that the Milwaukee water project will change the patterns of flows in some mains, so they need to be cleaned out, valves will be closed, etc to create a seal prior to turning on Milwaukee water. Mr. Schultz said that once these things are done, the SCADA controls are dialed in – these control the pumps on and off, etc. He added that there will probably be some complaints if some valves are accidentally closed for example. Mr. Schultz said that he contacted the Village of Menomonee Falls who had a similar Milwaukee water project, and they said that there were few water complaints and no problems with sediment clogging meters since they the mains were flushed first.

Director Grzys said that the Utility will be working with Steve Schultz and Ruekert & Mielke to train staff. He also said that we have scheduled a Public Informational Meeting on June 4<sup>th</sup> from 9:00 am to 11:00

am in the Council Chambers. The meeting will also discuss the 2<sup>nd</sup> step of the water rate increase. Customers that will be switched over to Milwaukee water will receive a letter regarding this and inviting them to attend the meeting.

Commissioner Dude suggested making the Milwaukee water turn on a public relations event and inviting Mayor Barrett, Carrie Lewis and others to the ribbon cutting. Mr. Dude said that the City of New Berlin should be gracious to them for this opportunity.

Steve Schultz said the Village of Menomonee Falls invited Mayor Nordquist, the village president and other dignitaries to their event and had one of the pumping stations open to the public. He said that we want to make sure that everything is flowing properly, the grass is growing and pumphouses are swept out before having such an event. Director Grzys said that he will invite the people involved as well as some of the Utility plant workers from the City of Milwaukee. Alderman Harenda suggested that Mayor Chiovatero and his office usually handle the public relations type of events. Commissioner Dude also suggested providing information on water softener and salt savings to Milwaukee water customers. Director Grzys said that there should also be a savings in hot water as the City of Milwaukee water will be warmer. The Committee asked when this meeting would take place? Steve Schultz said probably a month after the system is up and running.

Alderman Ament arrived at 5:26 p.m.

Mr. Morrissey said that would put the Open House approximately late July or early August. Director Grzys said that the Utility would like to go online by July 1<sup>st</sup>, as that is the start of 3<sup>rd</sup> quarter billing.

**Item 13-04 Direct City Attorney to research & advise Utility Committee on Legal Rights concerning MMSD Issues**

Item remains on the table

Alderman Harenda read the following:

**Closed Session**

The basis for the item to be discussed in Closed Session is as enumerated in Wisconsin Statute Section 19.85(1)(g)

(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, more specifically:

**ITEM 10-04 Well 11 – Rehabilitation Payment Request (City Atty Mark Blum)**

Motion by Jim Morrissey to move into Closed Session. Seconded by Commissioner Dude. Role call vote: Alderman Ament voted yes, Commissioner Dude voted yes, Alderman Harenda voted yes, Jim Morrissey voted yes. Committee moved into closed session at 5:30 pm.

**Open Session**

Motion by Jim Morrissey to move into Open Session. Seconded by Commissioner Dude and upon voting the motion passed unanimously. Committee moved into open session at 6:08 p.m. Alderman Harenda read the following:

**Discussion and Possible Action on Payment Request from Water Well Solutions for Well 11**

Motion by Commissioner Dude to recommend to Common Council for payment \$17,500 to Water Well Solutions as pursuant to Common Council Resolution 04-24 of May 11<sup>th</sup> 2004 and to then submit said billing for reimbursement to Ruckert & Mielke as per our agreement with them. Seconded by Alderman Ament.

Alderman Harenda asked for any discussion and noted that representatives from Water Well Solutions were in attendance.

Mark Thurow from Water Well Solutions asked if the Committee was in receipt of his March 21<sup>st</sup> letter with the 2 invoices and what decision was made as to not pay the entire amount?

Attorney Blum recommended that the Committee not discuss what took place in the Closed Session. Alderman Harenda responded that the motion speaks for itself and is based on past discussions and agreements.

Mr. Thurow apologized for his emotions and noted that his company was not very big. He said that his company performed the work as diligently as they could and as directed by the City Engineer. Mr. Thurow added that the company did not do anything that was not asked of them and that they have considerably more than the \$17,000 invested in the project. He said that if it was stated just do this amount of work, stop and go away, they would have and that he did not understand that work wasn't going to be approved. He asked how to proceed in getting authorization for payment for the 2<sup>nd</sup> invoice or is there no recourse?

Alderman Harenda said the motion made by the Committee will be on the May 10<sup>th</sup> Council agenda for the aldermen to approve or deny and that he would have the ability to speak there Alderman Harenda said that Mr. Thurow could also meet with Director Grzys or City Attorney Mark Blum.

Mr. Thurow said he was looking for direction as to how to proceed with the 2<sup>nd</sup> invoice?

Alderman Harenda said that the action taken today is asking for approval of a portion of the billing submitted to the City and that the approval is based on what the Committee agreed on in May 2004 and what actions were taken in the past.

Attorney Mark Blum said that procedurally the Committee received the request for payment and the motion was to pay a portion of it, but that he cannot comment further on legal advice. Attorney Blum suggested that Mr. Thurow consult with his own advisors.

Again Mr. Thurow asked how to proceed with the 2<sup>nd</sup> invoice.

Attorney Blum told Mr. Thurow the response he was getting is to not authorize payment on the balance. He continued that the Committee had an amount that was approved in May 2004 and that the approval was to paying up to that time. Attorney Blum continued that based on the information we have, no one on behalf of the City authorized going beyond that amount.

Alderman Harenda said that Water Well Solutions has the ability to follow up with the City, but that this is the only action taken today.

Mr. Thurow stated that he hoped the City was not disappointed in their work at the booster station at Greenridge and that they would like the opportunity to work with the City again. He indicated that he would contact Ray Grzys for further information.

A vote was taken on the motion, which passed unanimously.

Motion to adjourn at 6:17 p.m. by Alderman Ament. Seconded by Commissioner Dude and upon voting the motion passed unanimously.

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