

MINUTES
City of New Berlin
Special Utility Committee Meeting
Tuesday May 4, 2004

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

Others Present: Larry Wilms (Division Engineer), Rick Johnson (Utility Manager), Attorney Mark Blum, Mayor Ted Wysocki,

Also: Tom Ludwig, Paul Jenswold and Chris Stamborski from R.A. Smith
John Jansen from Ruckert & Mielke

Alderman Gallagher called the meeting to order at 4:32 pm and declared a quorum.

ITEM F-04 Approval of minutes from April 27, 2004 meeting

Motion by Commissioner Dude to approve the minutes from the April 27th meeting. Seconded by Alderman Ament and upon voting, the motion passed unanimous.

CLOSED SESSION

Alderman Gallagher read:

The basis for the items to be discussed in Closed Session are as enumerated in Wisconsin Statute Section 19.85(1) (g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, more specifically:

-Well 11 performance issues

Motion by Alderman Ament to move into closed session. Seconded by Alderman Harenda, and upon voting, the motion passed unanimously.

Motion by Alderman Ament to reconvene to open session. Seconded by Alderman Harenda and upon voting, the motion passed unanimously.

Motion by Alderman Harenda to authorize Water Well Solutions to complete the physical and chemical rehabilitation of Well #11 in their quotation and proceed with #1-10, capping the cost at \$16,095. Also part of the motion is capping the reimbursable amount to Ruckert & Mielke to \$6500 if the rehab conducted by Water Well Solution is acceptable. As well as place a guarantee regarding the \$6,500 cap of the well being functional and operate at 720 gpm for at least 120 days following the rehab of the well and authorizing a step drawn down test of the well and televise it. In addition, the City is also not responsible for damage to the temporary pump that will be utilized by Water Well Solution to conduct the physical and chemical rehabilitation of Well #11. All this subject to final approval by the City Attorney. Seconded by Commissioner Dude.

John Jansen from Ruckert and Mielke stated that the step draw down test and televising was not included in the cost. Director Grzys asked what the televising cost would be. Mr. Jansen said it would be an additional \$1,000, and that he was not authorized to make the guarantee promise of the well being functional and operating at 720 gpm for at least 120 days following the rehab. He stated that an officer of Ruckert and Mielke must make that decision.

Attorney Blum said that for clarification, that if this rehab is not successful, Ruckert & Mielke would be responsible to pay the City back for the cost of the test. If the test is successful, the City is responsible to pay Ruckert & Mielke back up to \$6,500. We first want to evaluate if sand is being pumped up to 120 days after the repair is done, for purposes to decide if the reimbursement is to go to R & M or the City. The Committee wants this analysis period to measure if the sand is an issue or not. We don't want to repair this, and find out 3 weeks after it is done, the well is pumping sand. It is not an additional guarantee, it is to evaluate whether the pump is working correctly or not.

Alderman Gallagher stated that this motion is subject to agreement with Ruckert & Mielke.

Alderman Harenda **amended the motion to be \$17,025** to include the cost of the televising cost. Seconded by Commissioner Dude. Upon voting the amended motion passed unanimously.

ITEM 11-03 Town of Brookfield Sanitary District #4 revised Intermunicipal Agreement

Attorney Blum said that the Committee has approved the agreement with the Town of Brookfield to service these two properties on Copenhill Drive. The Town of Brookfield Sanitary District said it was acceptable, but the Town Council did not approve it. The principal issue was who is responsible to the customers? The Town would treat them as their customers and the City would not be in the middle.

Attorney Blum stated that the bottom line is that the Town of Brookfield is agreeing to handle the billing, but if by November of any year there is any unpaid amount, it is the City of New Berlin's responsibility to collect this amount by putting it on the tax bill and then paying the Town of Brookfield, thus acting as a guarantor.

Alderman Ament stated that the City of New Berlin has approximately 75 customers on the Muskego system. He added that Ralph Chipman from the Finance Department related that we pay Muskego through our Utility Department as a lump sum check, so the request from the Town of Brookfield would not be asking for any more than what we are already doing with Muskego.

Director Grzys stated that he talked with Tom Cole and Sharon Blum, and related that the Utility wants this to be of no cost to the City of New Berlin, that permits, Attorney's fees, etc would be the Town of Brookfield's responsibility.

Attorney Blum requested that Director Grzys, who has been talking with Tom Cole and Sharon Blum from the Town of Brookfield's Sanitary District #4, ask them to submit to us their "normal" agreement. This would then come back to the Utility Committee for approval and then to the City Council.

Motion by Alderman Gallagher to approve the agreement as presented. Seconded by Commissioner Dude, and upon voting the motion passed unanimously.

ITEM 01-03A Award Contract for 2004 Flow Monitoring to meet MMSD Requirements

Larry Wilms introduced the team from R.A. Smith who has been working with the City regarding I & I monitoring since 1999. Tom Ludwig, Paul Jenswold and Chris Stamborski who made their presentation and explaining the flow monitoring, improvements showing reducing I & I, and the performance map.

After a lengthy discussion, the committee asked how much was spent over the years. Larry Wilms answered approximately 5.6 million since 1992 – this cost includes everything relating to finding defects and fixing them. Alderman Harenda asked why we just can't look at the big picture and use the MMSD monitors?

Alderman Gallagher asked what the benefit was to the Utility?

Director Grzys responded that the two main issues are capacity and a monitoring requirement under the 2010 Facility plan. We have worked with MMSD to show that we do have some additional capacity, which allows for potential growth to people who have been paying availability charges for many years and can't develop the infill lots. Mr. Grzys stated that they met with SEWPC today to discuss a 2020 Facility Plan and one of the requirements, which is in the budget, is to monitor I & I until 2008. If we stop, MMSD won't issue any extra capacity and these lots cannot be developed.

Alderman Gallagher asked that a summary be done by Sue Hanley to show a summary of what amounts were paid for sewer availability for the lots listed on the spreadsheet.

Mayor Wysocki emphasized that these customers have paid a special assessment for the main, MMSD capital charges, and ready to serve (availability) fees which benefit the Utility. He added the Utility Sewer collection and conveyance is subject to MMSD since New Berlin does not have its own treatment plant. Commissioner Dude stated that MMSD makes the rules, and unlike the water system, we can't go to another system, so we have to go through hoops to satisfy their goals.

Motion by Commissioner Dude to approve the study. Seconded by Alderman Gallagher. After a brief discussion, Alderman Gallagher withdrew his second, and stated he would like to see the fees being paid. Alderman Harenda agreed that the Committee would like to see by unit, which lots are being charged what. No formal vote was taken.

Motion to table by Alderman Gallagher. No second. No vote was taken.

Motion to defer Item 01-03A by Alderman Harenda. Seconded by Alderman Gallagher. Upon voting, the vote passed 3 to 0, with Commissioner Dude voting present, and Alderman Ament opposed.

Alderman Gallagher asked that another special meeting be set for 5:00 pm on Tuesday May 11th.

Item 01-04 Time and Date of Utility Committee

Committee members agreed to keep the temporary schedule of the 4th Tuesday of the month at 5:00 pm, prior to the Council meeting in place. No vote was taken.

Motion to adjourn at 7:26 p.m. by Alderman Ament. Seconded by Commissioner Dude, and upon voting the motion passed unanimously.