

MINUTES
City of New Berlin
Utility Committee Meeting
Tuesday May 25, 2004

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

Excused: Bob Dude

Others Present: City Attorney Mark Blum, Mayor Ted Wysocki, Greg Bolin (Ruekert & Mielke)

Alderman Gallagher called the meeting to order at 5:01 pm and declared a quorum.

ITEM G-04 Approval of Minutes from May 4th meeting

Motion by Alderman Harenda to approve the minutes from the May 4th Utility Committee meeting. Seconded by Alderman Ament and upon voting the motion passed unanimously.

ITEM H-04 Approval of Minutes from May 11th meeting

Motion by Alderman Ament to approve the minutes from the May 11th Utility Committee meeting. Seconded by Alderman Harenda and upon voting the motion passed unanimously.

**ITEM 11-04 Award of Construction Contract – Forest View Subdivision
Water Main Relay**

Motion by Director Grzys to recommend to Council to award the construction contract for the Water Main Relay Project for Forest View Subdivision to Underground Pipeline Inc. in the amount of \$1,313,243.00. Also included is legal, engineering service, administrative and contingencies at a cost of \$278,757.00. The total construction project cost is not to exceed \$1,592,000.00. Source of Funds: Utility Account #107. Seconded by Alderman Ament, and upon voting the motion passed unanimously.

ITEM 12-04 Award of Construction contracts for Milwaukee Water Project

Director Grzys briefly described the contracts. Alderman Harenda asked if there were any unknowns in the contract. Greg Bolin from Ruekert & Mielke responded that the contingency funds are the unknown, as we have not received DNR approval yet, but added that he did not see any red flags or problems. Alderman Harenda asked that R & M provide monthly updates for the Utility Committee, as they had done for the design project. Director Grzys added that Utilities is working with the Street Department to follow the schedule for roadwork.

Motion by Director Grzys to Recommend to Council to award the construction contract for Milwaukee Water Main Installation Contract W-149A to Main Line Sewer and Water in the amount of \$1,156,671.80; and Contract W-149B to Main Line Sewer and Water in the amount of \$781,717.25; Greenridge pumping station Contract W-150 to Selzer-Ornst in the amount of \$661,000; and Grange Ave pumping station Contract W-151 to Selzer-Ornst in the amount of \$717,000.00. Also included is legal, administrative and contingencies at a cost of \$298,475.01. The total construction project cost is not to exceed \$3,614,864.06, pending DNR approval. Source of Funds: Utility Account #107. Seconded by Alderman Ament, and upon voting the motion passed unanimously.

**ITEM 13-04 Direct City Attorney to Research & Advise Utility Committee on
Legal Rights concerning MMSD Issues**

Alderman Gallagher asked the City Attorney to research and advise the Utility Committee on our legal rights on the following points:

1. Can MMSD mandate the City of New Berlin to enforce a higher level of inflow and infiltration standards, than they impose on other communities, including those that have combined sewer systems?
2. Does the City of New Berlin have any legal recourse for obtaining a refund of the money we were forced to spend on the deep tunnel project, now that Milwaukee officials have indicated that the deep tunnel did not correct the sewer overflow problem?
3. Can MMSD require New Berlin to help fund the potential project to separate the sewer systems in Milwaukee and Shorewood?

Attorney Mark Blum stated that he had read some of the comments made in the press, not by MMSD and stated that he will look at issues to be addressed.

Motion to table this item by Alderman Gallagher. Seconded by Alderman Ament, and upon voting the motion passed unanimously.

Motion to adjourn at 5:21 p.m. by Alderman Ament. Seconded by Alderman Harenda and upon voting the motion passed unanimously.