

**MINUTES  
City of New Berlin  
Utility Committee Meeting  
Tuesday August 24, 2004**

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

Excused: Bob Dude and Alderman Gallagher

Others Present: City Attorney Mark Blum, Mayor Ted Wysocki, Larry Wilms (Division Engineer),  
and Steve Schultz (Ruekert & Mielke)

Director Grzys called the meeting to order at 5:02 pm and declared a quorum with 3 members present. Since Chairman Gallagher was not in attendance, Alderman Ament made a motion to nominate Alderman Harenda to act as Chairman for this meeting. Seconded by Director Grzys and upon voting passed unanimously.

**ITEM J-04 Approval of Minutes from July 27th meeting**

Motion by Alderman Ament to approve the minutes from the July 27th Utility Committee meeting. Seconded by Director Grzys and upon voting the motion passed unanimously.

**Item 12-04A Milwaukee Water Construction – Update #3**

Steve Schultz from Ruekert & Mielke presented his 3<sup>rd</sup> update of the Milwaukee Water project construction.

- Greenridge pumping station – bidding completed, contract awarded; contractors are submitting shop drawings. No work can be started inside until the well can be turned off in mid-September
- Grange Ave pumping stations – bidding completed, contract awarded, and the contractor is submitting shop drawings
- Water Main work completed at 124<sup>th</sup> and Weatherstone. Restoration remains to be done
- Water Main work on Sunny Slope 75% completed
- Grange Ave water main delayed due to fiber optic issues due to the incorrect SBC locates. Rich Eberhardt from R & M is working with the contractor on the extra expense for this work and will bring it to the Utility Committee. The contractor hopes to make up the time by using mechanical compaction instead of the 3 months of natural compaction. A new pit was dug for boring and the DNR has OK'd the new locations.

Director Grzys asked if the City could bill SBC for the extra expense caused by their incorrect locate markings for fiber optics. Steve Schultz responded that the City could submit the costs to SBC and see if they will pay for it if the City feels it has a case.

**UT 15-04 Update Great Lakes Water Annex 2001 Proposal**

Steve Schultz said that he has made several phone calls to the DNR and talked to the assistant to the secretary in the Water Supply Section who indicated that the comment period would be over on October 18<sup>th</sup> and that the DNR will not make any decisions on the diversion issue until after that time. Mr. Schultz said that in his opinion, the way the proposal is written now favors the City of New Berlin because we have a service area split by the continental divide, we have return flow, there is no adverse impact on the environment, and so the entire community would be considered within the basin.

Mr. Schultz added that the Great Lakes United Environmental Group is opposed to the language of the proposal and is using Waukesha as an example.

Mr. Schultz indicated that the DNR suggested that the City of New Berlin needs to comment formally on the proposed rules and that there is a meeting scheduled for September 8<sup>th</sup> in Chicago and September 28<sup>th</sup> in Milwaukee. He added that the Great Lakes Governors will review issues and make changes then the City of New Berlin should start working on getting Milwaukee water for the entire service area. Mr.

Schultz added that he gave Director Grzys budget items for the radium compliance issue and that he has talked with the DNR about communities like New Berlin who could save a lot of money by getting Milwaukee water to the entire service area, instead of dealing with the radium problem.

Alderman Ament asked when the deep wells were dug, the flow was going into Lake Michigan, but now is the flow reversed and coming from Lake Michigan?

Mr. Schultz replied that we now consider groundwater part of the Great Lakes Basin but only up to the continental divide (those east of the divide). Alderman Ament responded that the wells are actually drawing out of Lake Michigan already and why should we run this water through our radium wells? Mr. Schultz stated that the DNR said that they need additional information on the science of this issue, but that New Berlin is in a better situation than Waukesha since we have return flow.

**UT 22-01B                      Administrative Adjustment for Lincoln Ave/179<sup>th</sup> Street Special Assessment Resolution #01-28**

Larry Wilms stated that the 179<sup>th</sup> Street/Lincoln Avenue water and sewer extension projection in the industrial park had 4 of the 5 service lines changed from the assessment roll and a sewer lateral was also downsized. He stated that the City needs to make an adjustment to the property owners and that some of the owners paid their assessment within the 90-day interest free grace period.

Attorney Blum said that the statutes do allow for amendments of the assessment roll by either conducting a Public Hearing or receiving an acknowledgement of waiver from the property owners. If all of the property owners sign the waiver, the Council can take action. If not, a notice must be posted and a public hearing must be scheduled.

Alderman Gallagher arrived at 5:27 p.m.

Alderman Ament asked if the changes would result in a large amount of money and do we expect any problems with the owners signing the waiver? Mr. Wilms stated he did not expect any issues since the owners did sign a form listing the additional cost impact. He added that there are 2 credits of small amounts of \$43.18 and \$361.50 and that the 2 increases were for \$361.50 and \$1,428.90 for a water lateral.

Alderman Harenda asked the City Attorney what they needed from the Committee to pursue this?

Attorney Blum asked that staff be directed to pursue contact with the property owners and obtain their consent for the modification of the assessment roll to be consistent with actual costs observed as a result of the construction.

Motion by Alderman Harenda to direct staff to work toward a waiver request for modification of the assessment roll to be consistent with actual costs observed as a result of the construction as stated in item UT 22-01B. Seconded by Alderman Ament and upon voting passed unanimously.

Motion to adjourn by Alderman Gallagher at 5:32 p.m. Seconded by Director Grzys and upon voting passed unanimously.