

**Sanitary District No. 4**  
**Regular Meeting - December 6, 2004**

The Regular Meeting of Sanitary District No. 4 – Town of Brookfield was held Monday, December 6, 2004, 4:00 p.m., in the Meeting Room of the Pump Station No. 3 facility, 150 South Barker Road, in the Town of Brookfield. Present at the meeting were: President Thomas Cole; Commissioners Frank Dombrowski and Alan Kopp; Superintendent Terry Heidmann; Attorney Mike Schober; and Deputy Secretary Sharon Bloom to record the minutes.

MEETING NOTICE VERIFICATION

On November 29, 2004 notice of this meeting was faxed to the following newspapers: CNI Newspapers – Brookfield, The Milwaukee Journal Sentinel and the Waukesha Freeman. The Notice was posted by Sanitary District personnel on November 29, 2004 at the following locations: Sanitary District No. 4 Meeting Room; Mayrose Boulevard; Springdale & Davidson Roads; the Town Hall; Wisconsin Avenue; Catherine Court and Marx Park.

REVIEW POLICIES AND PROCEDURES AND TAKE NECESSARY ACTION

The commissioners and Attorney Schober completed Policy Section 200 - through Policy No. 213, and went on to Policy Section 600 - through Policy No. 605. Those policies will now be prepared by the deputy secretary and submitted to the commissioners and Attorney Schober for final review at the December 20th Regular Meeting.

AUDIENCE PARTICIPATION

There was no one in the audience.

APPROVE MINUTES OF NOVEMBER 22, 2004 REGULAR MEETING

Commissioner Dombrowski made a **MOTION** to approve the minutes of the November 22, 2004 Regular Meeting, as presented, seconded by Commissioner Kopp, voted on and passed unanimously.

DISCUSS AND TAKE NECESSARY ACTION RE: SANITARY DISTRICT'S INSURANCE POLICIES

Mrs. Bloom was directed to contact the District's property insurance agent regarding the District's request to the Town of Brookfield for a variance from the use of the Knox Box on Sanitary District facilities. In Attorney Schober's letter to the Town, dated November 18, 2004, he states that, in lieu of the use of the Knox Box, the Sanitary District agrees to release the Town of Brookfield Fire Department from any and all liability for damage to Sanitary District property resulting from the inaccessibility to Sanitary District property in the case of a fire or other emergency. Although the letter has already been sent to the Town, the Sanitary District would like information from its insurance agent as to how this situation would affect the District's insurance coverage. President Cole stated that the Commission cannot make a decision as to whether or not any changes should be made to the District's current coverage until it has this information.

DISCUSSION AND APPROVAL OF DEVELOPMENT AGREEMENT FOR FIRE PROTECTION WATER MAIN - 17780 WEST BLUEMOUND ROAD

Mrs. Bloom reported that Gary Knowski, MLG Management, called late in the day to report that the Town of Brookfield Fire Department was no longer requiring the owner of the Brookmound Plaza to install a fire hydrant as part of a fire protection water line for the property located at

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17780 West Bluemound Road. As a result, only a fire protection lateral will be installed. At Mrs. Bloom's recommendation, Mr. Knowski said he would request something in writing from the Town to that effect and provide a copy to the Sanitary District.

Superintendent Terry Heidmann stated that, after a conversation he had with the Town of Brookfield Fire Chief, also late in the day, he was under the impression that the contractor would be proceeding with the installation of the fire hydrant.

Commissioner Dombrowski made a **MOTION** to take no action regarding this matter until all issues have been resolved and the District has something in writing as to the Town's final decision. The motion was seconded by Commissioner Kopp, voted on and passed unanimously.

DISCUSSION AND NECESSARY ACTION RE: PUBLIC/PRIVATE OWNERSHIP OF WATER MAINS AND SEWER MAINS/LATERALS

At the Sanitary District's request, Ron Eifler, manager of the Fox River Water Pollution Control Center (FRWPCC), provided a copy of the City of Brookfield's Sewer Use Ordinance update. The Sanitary District would like to update its own Sewer Use Ordinance, which it is in the process of doing, after reviewing the City's revisions.

Attorney Schober said that, after a brief look at the revisions, he notes that the City holds the property owner responsible for the sanitary sewer lateral from the main to the building. In other words, the property owner is responsible for the entire lateral. Because the Sanitary District is looking at this situation relative to its own policies on the ownership of water mains and laterals and sewer mains and laterals, this is something that the commissioners will have to consider. Attorney Schober said that, in his opinion, it is not fair to hold the property owner responsible for portions of the lateral in the right-of-way area that are beyond his or her control.

Commissioner Dombrowski made a **MOTION** to authorize Attorney Schober to investigate court cases in the State of Wisconsin, and nationwide, that deal with this issue and to defer taking any action until the commissioners can consider his findings. The motion was seconded by Commissioner Kopp, voted on and passed unanimously. President Cole asked that all surrounding communities, including all those that contract with the FRWPCC, be contacted regarding their policies on this matter.

DISCUSS AND TAKE NECESSARY ACTION RE: 2005 (DNR) DRINKING WATER MONITORING REQUIREMENTS

Superintendent Heidmann reported that DNR requirements for bacti sampling in 2005 have been reduced from the current 8 samples down to 6 samples per month. President Cole recommended that the District be proactive and continue taking 8 samples per month. Commissioner Dombrowski made a **MOTION** to continue taking bacti samples at the current higher rate of 8 per month in an effort to safeguard the District and its customers. The motion was seconded by Commissioner Kopp, voted on and passed unanimously.

DISCUSS AND TAKE NECESSARY ACTION RE: VARIANCE FROM TOWN OF BROOKFIELD RELATIVE TO FIRE INSPECTIONS OF SANITARY DISTRICT'S FACILITIES

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Mr. Heidmann reported that he talked with WRWA representatives regarding the Knox Box issue; however, because most water utilities are part of the town, city or village entity and not an entirely separate entity, as is the case with Sanitary District No. 4, this just hasn't been an issue. He also learned that, at the present time, the EPA and FBI do not have a mandate that addresses this situation.

Commissioner Dombrowski made a **MOTION** to provide a master key for the Sanitary District's facilities, along with the access code, to the Town of Brookfield's Fire Department shift commanders and the fire chief. This would be in lieu of the Town's requirement that the Sanitary District install a Knox Box on each of its facilities, and at the recommendation of Rick Czopp, the Town's administrator. The motion was seconded by Commissioner Kopp, voted on and passed unanimously. President Cole said he would request that the Fire Department provide the Sanitary District with a listing of the names of those who are given the code and key and a confirmation that no one else will be given that information except for subsequent people who hold those same positions.

DEFERRALS/TABLED ITEMS FOR DISCUSSION AND NECESSARY ACTION

**Sewer/Water services north of Capitol Drive**

No action taken.

**Monthly financial statements**

No action taken.

DISCUSS APPOINTMENT OF SANITARY DISTRICT'S OFFICIAL NEWSPAPER FOR PUBLICATION OF ITS NOTICES; TAKE NECESSARY ACTION

After checking with some of the surrounding communities as to which newspaper they use for their official newspaper, it was learned that the City of Brookfield's official newspaper is the Brookfield News; the City and Village of Pewaukee use the Lake Country Reporter; New Berlin uses the New Berlin Citizen and the Town of Brookfield uses the Milwaukee Journal Sentinel. Mrs. Bloom talked with Jane Carlson, Town Clerk for the Town of Brookfield, and learned that the Town has a contract with the Journal Sentinel, with a very favorable per-line rate of 39 cents, which is lower than the Sanitary District's current rate with the Brookfield News.

Commissioner Dombrowski commented that he thinks the District would reach more customers by using the Journal Sentinel than it currently reaches with the Brookfield News. President Cole said that the District has used the Brookfield News from the very beginning and has always been happy with the service. Mrs. Bloom was directed to contact the Journal Sentinel and the Town Clerk to see if the District could piggyback onto the Town's contract in order to receive the same favorable per-line rate. Commissioner Dombrowski made a **MOTION** to defer this item to the District's December 20th Regular Meeting, seconded by Commissioner Kopp, voted on and passed unanimously.

CORRESPONDENCE

1. Town of Brookfield Meeting Notices:  
Dated 12/2/04 for Town Board meeting to be held 12/7/04 - **Noted**
2. Town of Brookfield Meeting Minutes:

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Town Board - October 19, 2004 - **Noted**  
Town Board - November 3, 2004 - **Noted**  
Town Board - November 16, 2004 - **Noted**

3. Memo, dated 11/29/04, from Jim Fiacco, Ruekert & Mielke, Inc., re: sewer rate review - **Noted**

**PAY BILLS**

Commissioner Dombrowski made a **MOTION** to approve payment of the presented vouchers in the amount of \$117,029.49. The motion was seconded by Commissioner Kopp, voted on and passed unanimously. That amount included the following payments:

\$ 1,310.38	Wisconsin Deferred Comp Program - contributions for period ending 12/4/04
\$ 2,801.82	Humana, Inc. - health insurance premiums for December 2004
\$ 2,799.25	Schober Schober & Mitchell - legal fees
\$ 2,275.00	Virchow, Krause & Company LLP - accounting/auditing fees
\$ 6,174.17	Globe Contractors - replace hydrant on Bluemound Road, restoration
\$ 2,101.19	Wisconsin Retirement System - contributions for period ending November 2004

There being no further business, Commissioner Dombrowski made a **MOTION** to adjourn the meeting, seconded by Commissioner Kopp, voted on and passed unanimously. President Cole closed the meeting at 7:30 p.m.

Respectfully submitted,

Sharon K. Bloom  
Deputy Secretary