

The Regular Meeting of Sanitary District No. 4 – Town of Brookfield was held Thursday, October 7, 2004, 5:30 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; Terry Tavera, from Ruckert & Mielke, Inc.; and Deputy Secretary Sharon Bloom to record the minutes.

MEETING NOTICE VERIFICATION

On October 4, 2004 notice of this meeting was faxed to the following newspapers: CNI Newspapers – Brookfield, The Milwaukee Journal Sentinel and The Freeman. The Notice was posted by Sanitary District personnel on October 4, 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 agreed that they would approve the Sanitary District's Policies and Procedures section by section, so that Section 2 - "Employment" will be approved when the commissioners have completed their review of the entire section. The commissioners and Attorney Schober reviewed the policies up to Policy Number 204. Those policies will now be prepared by the deputy secretary and submitted to the commissioners and Attorney Schober for final review at the October 25th Regular Meeting.

AUDIENCE PARTICIPATION

Robert and Barbara Dugan came before the Commission to request that he be allowed to purchase some of the sewer capacity that the Sanitary District is acquiring from New Berlin in order to accommodate a proposed office building development on his property, located on the southwest corner of Johnson (Barker Road becomes Johnson on the south side of Greenfield Avenue) & Greenfield, in the City of New Berlin.

President Cole stated that the capacity the Sanitary District is in the process of purchasing from New Berlin is for development in the Town of Brookfield. He explained that the Sanitary District does not consider requests from individuals for sewer or water service to properties adjacent to the Town of Brookfield; those types of requests must come from the municipality in which the property is located. It was suggested that perhaps Mr. Dugan could obtain capacity for his proposed 80,000 square foot office development (which he stated will require capacity of approximately 9,000 gallons per day) by either: 1) making a purchase from another community that may have excess capacity in the treatment plant, which they would be willing to sell; or 2) waiting until the treatment plant is expanded.

APPROVE MINUTES

Commissioner Dombrowski made a **MOTION** to approve the minutes of the September 13, 2004 Regular Meeting, with the addition of the word "operating" in two places: Page 1, last paragraph, "under Alternative No. 1, 20 per cent of other **operating** costs and under Alternative No. 2, 30 per cent of other **operating** costs", and the minutes of the

September 27, 2004 Regular Meeting, as presented, seconded by Commissioner Kopp, voted on and passed unanimously.

DISCUSS AND TAKE NECESSARY ACTION RE: REQUEST TO DISCHARGE TO SANITARY SEWER SYSTEM

James Vadnal, Senior Geologist with Herlacher Angleton Associates, LLC Environmental Engineering Services had asked that his request to discharge to the Sanitary District's sanitary sewer system be placed on this meeting agenda. Ultimately, however, because he was unable to attend, he asked that the matter be placed on the Sanitary District's next meeting agenda. Commissioner Dombrowski made a **MOTION** to place this matter under the agenda item entitled "Deferrals/Tabled Items" on the October 25th Regular Meeting agenda, seconded by Commissioner Kopp, voted on and passed unanimously.

DISCUSSION AND NECESSARY ACTION RELATING TO SANITARY SEWER SERVICE USER FEES

Commissioner Dombrowski told Mr. Tavera that he would like to set a deadline of Monday, October 11th for the commissioners, through the deputy secretary, to forward any comments they might have relating to the revised 2005 Sewer User Rate Review report, which was prepared by Ruckert & Mielke and submitted to the District on October 5th. Upon Mr. Dombrowski's request, Mr. Tavera said that Ruckert & Mielke would prepare a spreadsheet showing how the new rates will affect the District's customers - how many will see an increase and how many will see a decrease in the amount of their quarterly sewer bill. Commissioner Dombrowski stated that he would like Ruckert & Mielke to prepare a two to three sentence summary to accompany the chart, entitled "Comparison of Annual Impacts on Select Customers", plus a narrative consisting of two to three paragraphs. The cash flow and reserve balance projection, which is to be prepared by the District's accounting consultant, Renee Messing, is to be taken out of the "findings and recommendations" section of the report, to be presented as a totally separate item.

SCHEDULE DATE FOR PUBLIC INFORMATIONAL MEETING RELATIVE TO NEW SEWER RATES & METHODOLOGY

The Sanitary District will hold an informational meeting to discuss and answer questions relative to the District's new sewer rates and the methodology that will be used to determine the sewer user fees. The meeting will be held on Tuesday, November 9th, 7:00 p.m., at either Pleasant Hill Elementary School or the Town Hall. Notice of the meeting is to be placed on the Town's web site, published in the District's official newspaper, the Brookfield News, and posted throughout the Town. In addition to these notifications, the article on the front page of the District's most recent Water Tower News newsletter alerted the District's customers about the new rates, new methodology and the fact that the District would be holding an informational meeting.

DISCUSS AND TAKE NECESSARY ACTION RE: SANITARY FLOW MONITORING

Commissioner Dombrowski made a **MOTION** to approve Ruekert & Mielke, Inc.'s proposal, dated October 6, 2004, for a sanitary flow monitoring analysis report with the condition that Ruekert & Mielke provide the Sanitary District with a statement that they are representing the Sanitary District's interests in negotiating contract issues with the City of Brookfield and with litigation, if that becomes necessary. The motion was seconded by Commissioner Kopp, voted on and passed unanimously. The Sanitary District will hold the signed proposals until it receives the requested statement from Ruekert & Mielke.

DISCUSSION AND NECESSARY ACTION RE: PENALTIES FOR NON-COMPLIANCE WITH SD#4 WELL USE ORDINANCE

Commissioner Dombrowski made a **MOTION** to add the cost of expenses relating to the abandonment of the private well at 1225 Rolling Green Drive, together with all other expenses incurred during the District's attempt to obtain compliance with its ordinance, to the amount of the judgment issued by the municipal court in March of this year, and place the total amount on the property owner's 2004 property tax bill. The motion was seconded by Commissioner Kopp, voted on and passed unanimously.

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

Attorney Schober suggested that the Commission set aside at least one hour to work on this issue, which will become a part of the Sanitary District's policy manual. Commissioner Dombrowski made a **MOTION** to place this item under "Deferrals/Tabled Items" on future meeting agendas.

DISCUSSION AND NECESSARY ACTION RE: UPDATE ON SAFETY REQUIREMENTS

Mr. Heidmann stated that, on October 1st, he attended the first safety class sponsored by the Wisconsin Rural Water Association. He reported that, as a result of new regulations, which will be enforced by the Department of Industry, Labor and Human Relations, under Wisconsin's Department of Commerce, the Sanitary District will be "self-rescue". That means that all three of the District's field staff will be involved - one person as the "entrant", a second person as the "standby" and Mr. Heidmann said he will act as the "attendant". The Sanitary District will have to purchase additional equipment, including a winch, at a cost of approximately \$1,200 and a tower winch to be used in the sphere only, at a cost of approximately \$5,000. There will be two safety audits per year at a cost of approximately \$300; and additional training classes (confined space; hazard communication; PPE; biohazard etc.) at a cost of approximately \$600 - or more should the District want office staff to attend the hazard communication and bio-hazard classes, as has been recommended. No official action was taken.

DISCUSSION AND NECESSARY ACTION RE: MONTHLY BUDGET SUMMARY REPORT

The commissioners reviewed the District's internal financial statement for the period ending 8/31/04. No action was required.

DEFERRALS/TABLED ITEMS FOR DISCUSSION AND TAKE NECESSARY ACTION

Intermunicipal Agreement relative to City of New Berlin's request to provide sewer and water service to two properties located in New Berlin

See item below, entitled "Purchase of capacity in sewer treatment plant from City of New Berlin".

Purchase of capacity in sewer treatment plant from City of New Berlin

Commissioner Dombrowski made a **MOTION**, as recommended by Attorney Schober, to approve "to form" the three draft agreements submitted to the Sanitary District (through Attorney Schober) by New Berlin, relative to the District's purchase of capacity in the Fox River Water Pollution Control Center, subject to receiving the original agreements which have been signed by New Berlin and subject to the Intermunicipal Agreement (relative to the Sanitary District's servicing two homes in New Berlin) being presented contemporaneously, also signed by the City of New Berlin. The motion was seconded by Commissioner Kopp, voted on and passed unanimously.

Sewer/Water services north of Capitol Drive

No action.

CORRESPONDENCE

1. Town of Brookfield Meeting Notices:
Dated 10/1/04 for Town Board meeting to be held 10/5/04 - **Noted**
2. Town of Brookfield Meeting Minutes:
Town Board - September 21, 2004 - **Noted**
3. Email message (9/28/04) from Terry Tavera, Ruckert & Mielke, Inc. and Cindy Flower, McClure Engineering, re: Sam's Club building expansion (conflict of water main and storm sewer) - **Noted**
4. Email message from Terry Tavera, Ruckert & Mielke, Inc. (9/25/04) and Geoffrey Robinson, Madeline Square Condominiums (9/28/04), re: request for construction estimates - **Noted**
5. Preconstruction Meeting Notes (meeting held 9/24/04) from Ruckert & Mielke, Inc., re: Sam's Club building expansion - **Noted**
6. Letter, dated 10/1/04, from Ehlers & Associates Inc., re: Sanitary District's Annual Continuing Disclosure Requirements - **Noted**
7. Notices of coming events from Brookfield Chamber of Commerce (copy given to each commissioner):
 - a) Business After Five (10/21/04 5:00 - 7:00 p.m.) at the Brookfield Indoor Soccer Complex - **Noted; reservation is to be made for President Cole**
 - b) Legislative Breakfast (10/22/04 8:00 - 10:00 a.m.) in the Brookfield City Safety Building - Court Room - **Noted; reservation is to be made for President Cole**
8. Copy of recorded CSM for the Eagles Nest condominiums project, from Scott Bence, J.B.J.Development - **Noted**

PAY BILLS

Commissioner Dombrowski made a **MOTION** to approve payment of the presented vouchers in the amount of \$55,147.85. The motion was seconded by Commissioner Kopp, voted on and passed unanimously. That amount included the following payments:

\$ 36,707.85	Ace Electric Sewer Cleaners - annual cleaning (35,945 feet @ \$.40/ft. - \$11,861.85) and televising of main sewers (62,115 feet @ \$.40/ft. - \$24,846.00)
\$ 3,847.00	Globe Contractors Inc. - repair of water main break on Black Forest Drive
\$ 1,992.80	Ruekert & Mielke, Inc. - engineering fees
\$ 1,003.48	Public Service Commission of Wisconsin - assessment relative to Gross Intrastate Operating Revenues for utilities

There being no further business, President Cole made a **MOTION** to adjourn the meeting, seconded by Commissioner Kopp, voted on and passed unanimously. President Cole closed the meeting at 9:23 p.m.

Respectfully submitted,

Sharon K. Bloom
Deputy Secretary