

Sanitary District No. 4
Regular Meeting - November 22, 2004

The Regular Meeting of Sanitary District No. 4 – Town of Brookfield was held Monday, November 22, 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; and Deputy Secretary Sharon Bloom to record the minutes.

MEETING NOTICE VERIFICATION

On November 17, 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 17, 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 reviewed the policies up to Policy Number 213. Those policies will now be prepared by the deputy secretary and submitted to the commissioners and Attorney Schober for final review at the December 6th Regular Meeting.

AUDIENCE PARTICIPATION

There was no one in the audience.

APPROVE MINUTES OF NOVEMBER 8, 2004 REGULAR MEETING AND NOVEMBER 9, 2004 INFORMATIONAL MEETING

Commissioner Dombrowski made a **MOTION** to approve the minutes of the November 8, 2004 Regular Meeting, as presented, and to defer approval of the November 9, 2004 Informational Meeting to the December 6, 2004 Regular Meeting, seconded by Commissioner Kopp, voted on and passed unanimously.

DISCUSSION AND NECESSARY ACTION RE: ADOPTION OF NEW SEWER RATES

Commissioner Dombrowski made a **MOTION** to approve the new sewer rates in accordance with the report prepared by Ruckert & Mielke, Inc., entitled Town of Brookfield S.D. #4 2005 Sewer User Rate Review, which was presented to the District's customers at the November 9, 2004 Informational Meeting, held at the Town Hall. The new rates are to become effective with the first quarterly billing of 2005. The motion was seconded by Commissioner Kopp, voted on and passed unanimously. Commissioner Kopp said it was his understanding that the intent of the Commission has always been to revisit this matter when the District has some historical information and can look at what effect the new rates are having on the District's finances. President Cole and Commissioner Dombrowski confirmed that the rates are not set in stone and that they will be reviewed from time to time.

APPROVAL OF FIRE PROTECTION LATERAL AGREEMENT - 17780 WEST BLUEMOUND ROAD

It was brought to the Commission's attention that what initially was going to be a simple fire protection lateral installation at 17780 West Bluemound Road might now be an installation of a water main that includes a fire hydrant. If so, the owner will have to enter into a development agreement with the Sanitary District which would require, among other things, that the water line

Sanitary District No. 4
Regular Meeting - November 22, 2004

plans be reviewed by the District's engineers, DNR approval be obtained and an easement be granted to the Sanitary District. Commissioner Dombrowski made a **MOTION** to take no action at this time and place this item under the Deferrals/Tabled Items on the December 6, 2004 agenda, seconded by Commissioner Kopp, voted on and passed unanimously.

DEFERRALS/TABLED ITEMS FOR DISCUSSION AND NECESSARY ACTION

Request to discharge to sanitary sewer system

Commissioner Dombrowski commented that he has been in touch with the DNR relative to this matter and that it is now up to the DNR to make a determination on whether or not they will require anything further with the bioremedial cleanup of this site. The commissioners agreed that the Sanitary District should contact Jim Vadnal, the person who made the request on behalf of the property owner to discharge to the Sanitary District's sewer system, and give him an answer. President Cole said that, according to Mr. Vadnal, the difference in cost to transport versus discharging into the sewer system would be less than \$10,000. He said that the Sanitary District has never allowed any discharge into its sewer system and that he does not want to allow anything relating to this groundwater remediation project to be discharged into it either. Commissioner Dombrowski made a **MOTION** to deny Mr. Vadnal's request to discharge to the District's sanitary sewer system, seconded by Commissioner Kopp, voted on and passed unanimously. The letter notifying Mr. Vadnal of the District's decision should come from President Cole.

Sewer/Water services north of Capitol Drive

No action taken.

Public/Private ownership of water mains and sewer mains/laterals

Attorney Schober said that at the District's last meeting he was asked whether his position on the issue of public/private ownership of water mains and sewer mains/laterals had changed; and because it had, he wrote the commissioners a letter, dated November 11, 2004, explaining his position on the matter, along with a letter, also dated November 11, 2004, to replace his original letter of August 24, 2004. Because there wasn't enough time to go into the matter, Commissioner Dombrowski made a **MOTION** to take this item off of the Deferrals and Tabled Items and place it on the next Regular Meeting agenda as a separate item so that the Commission will finally address it. The motion was seconded by Commissioner Kopp, voted on and passed unanimously.

Monthly financial statements

No action taken.

DISCUSS AND TAKE NECESSARY ACTION RE: VARIANCE FOR SANITARY DISTRICT'S FACILITIES RELATIVE TO FIRE INSPECTIONS

The Town of Brookfield Fire Department has asked that the Sanitary District install a Knox Box at each of its facilities. Because of security concerns, the Sanitary District wanted to request a variance from this mandate. President Cole had asked that the District obtain a recommendation from its attorney regarding the situation; and, as a result, Attorney Schober wrote the Town Board a letter requesting a variance on the use of the Knox Box and granting the Town a release of liability.

Sanitary District No. 4
Regular Meeting - November 22, 2004

Commissioner Dombrowski commented that, for public safety, he would not want the Fire Department to be inhibited in any way in responding to an emergency, and only the fire chief and the captains would need to know the security codes. Superintendent Heidmann said that, aside from the security issue concerns, there is also a substantial expense involved with the purchase and installation of a Knox Box. He said that the Town doesn't even have Knox Boxes on its facilities, he thinks, due to the expense. This matter will be deferred in order to investigate the matter more fully, from a legal standpoint and from a security standpoint. It was advised that the Sanitary District make inquiries with the following: the federal government; Rural Water; the FBI; the District's insurance company; AWWA and the Town, so that the Commission will be able to make an informed decision.

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

Commissioner Dombrowski said he had requested that this item be placed on the agenda. He commented that perhaps more of the District's customers could be reached if the District published its required publications in the Milwaukee Journal Sentinel. Attorney Schober said that, currently, the District meets its legal requirements when it uses the Brookfield News to publish its required publications. Deputy Secretary Sharon Bloom pointed out that the notice for the informational meeting, relative to the new sewer rates, was published in the Brookfield News twice; posted throughout the Town; published on the front page of the District's Water Tower News and posted on the Town's website. Mrs. Bloom was asked to investigate the cost of publication in the Journal Sentinel and the Waukesha Freeman and, if possible, the number of customers each newspaper has in the Town of Brookfield. Attorney Schober said that the District could continue to use the Brookfield News and also issue a press release to the other two newspapers. Commissioner Dombrowski made a **MOTION** to table this item until the December 6th Regular Meeting, seconded by Commissioner Kopp, voted on and passed unanimously.

DISCUSSION AND NECESSARY ACTION RE: ANNUAL APPOINTMENTS OF CONSULTANTS/CONSULTING FIRMS AND OTHER OUTSIDE SERVICE FIRMS

The Commission will not appoint its current financial institution, TCF Bank, for 2005 until District personnel has an opportunity to check what other nearby financial institutions charge for their banking and other fees. The commissioners want to make sure the District is getting the best rates.

Commissioner Dombrowski made a **MOTION** to approve the following appointments for the year 2005, seconded by Commissioner Kopp, voted on and passed unanimously.

Legal Firm	Schober Schober & Mitchell
Engineering Firm	Ruekert & Mielke, Inc.
Accounting/Auditing Firm	Virchow, Krause & Company
Financial Advisor	Ehlers & Associates
Emergency Services	Globe Contractors

CORRESPONDENCE

1. Town of Brookfield Meeting Notices:

Sanitary District No. 4
Regular Meeting - November 22, 2004

Dated 11/12/04 for Budget Public Hearing and Town Board meeting to be held
11/16/04 - **Noted**

2. Preliminary Notification of 2005 Drinking Water Monitoring Requirements from the State of Wisconsin Department of Natural Resources - **Noted; to be placed on next meeting agenda.**
3. Letter, dated 11/10/04, from Hydrite Chemical Co., re: temporary increase in energy surcharge delivery charges - **Noted**
4. Copy of letter, dated 11/16/04, from Rick Wenzel, Fox River Water Pollution Control Center, to Dave Werner, Fabri-Tech, Inc., re: sampling results obtained by the FRWPCC on sampling conducted at Fabri-Tech Outfall 01 on 10/27-28, 2004 - **Noted**
5. Letter, dated 11/15/04, from Attorney T. Michael Schober, re: interpretation of Section 66.0809(3) Wis. Stats. relating to public utility charges - **Noted**
6. Notice from Brookfield Chamber of Commerce re: December "Business After 5" function, to be held December 8th at Silver Spring Country Club - **Noted**
7. Intermunicipal Agreement Between the City of New Berlin and Sanitary District No. 4 - Town of Brookfield, signed by City of New Berlin Mayor Telesfore Wsocki; agreement was signed by President Cole; signed copy submitted to New Berlin, signed copy retained for Sanitary District files - **Noted; Attorney Schober reviewed and approved the final copy of the agreement.**
8. Transmittal Memo from Gary Lake, dated 11/8/04, re: conceptual approval, preliminary approval and final approval of a 9,000 sq. ft. building at 860 Bahcall Court and a revised site plan and building elevations at 880 Bahcall Court for Kloeckner KHS Inc. - **Noted**
9. Email message from Terry Tavera, received 11/2//04, re: Eagles Nest Condominiums Sanitary Sewer and Water Main Extension Plan Review- **Noted**
10. Copy of email message from Terry Tavera (sent 11/22/04), to Cindy Flower, McClure Engineering, re: easements relative to Sam's Club- **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 11/20/04
\$ 87,983.72	City of Brookfield - 3rd qtr. sewage treatment charges
\$ 5,529.33	Ruekert & Mielke, Inc. - engineering fees
\$ 1,968.23	City of Brookfield - 3rd qtr. processing charges (industrial customers)
\$ 2,152.47	Town of Brookfield - charges relating to reimbursement health insurance plan
\$ 1,440.00	Milwaukee Alarm Company Inc. - monitoring service (annual 12/1/04 - 11/30/04)
\$ 5,416.86	We Energies - monthly electric service

There being no further business, President Cole made a **MOTION** to adjourn the meeting, seconded by Commissioner Dombrowski, voted on and passed unanimously. President Cole closed the meeting at 8:00 p.m.

Respectfully submitted, Sharon K. Bloom, Deputy Secretary

**Sanitary District No. 4
Regular Meeting - November 22, 2004**