

PUBLIC WORKS & HIGHWAY COMMITTEE MEETING MINUTES

December 7th, 2022

Village Hall Board Room

CALL: Chairman Kaminski called the meeting to order at 5:30 pm.

ROLL CALL: In attendance were Chairman Kaminski, Trustee Members Hudson and Neureuther. Also present were Administrator Kreklow, Director Ratayczak, Water Superintendent Haugen, Public Works Superintendent Anderson, Wastewater Superintendent Zimmerman and Administrative Assistant Remich.

APPROVAL OF MINUTES: MOTION Hudson/Neureuther approved the Minutes from November 1st, 2022. Motion carried unanimously.

PUBLIC COMMENTS:

Hudson read aloud email from resident.

UNFINISHED BUSINESS:

A: Summer Sewer Credit Presentation & Discussion

Chairman Kaminski announced that Administrator Kreklow will present the information that was asked for tonight.

Administrator Kreklow stated that his presentation should answer most of the questions about the 3rd quarter billing and reconciliation of the last quarter invoices. The Utility Advisory Committee will be meeting Thursday, Dec. 15th at 6pm and there will be more discussion on this topic then. Before 2022 the Village had in its Ordinance a summer sewer service credit being applied to both the 2nd & 3rd quarter bills. Staff came to this committee and the board last March and said we should look on how we are currently doing the credit. The reasons include changing from a very old accounting system MSI in which the credit has been a problem getting accurate information out of for quite some time, a concern with the system underestimating the amount of water going down the sewer during summer months, to keep the utility viable we have to cover costs related to it and the credit needs to be programmed into the new. The new rules that were adopted in March eliminated the credit for quarter 2 and modified the formula. The modified formula considers if you averaged less than 11,000 gallons than you would not qualify for the summer credit and the reason for this is MMSD bills the Village based on 11,000 gallons per household. Anytime there is changes in utility billing there are going to be impacts, we did not receive any feedback after the 2nd quarter because the impact was very low, but we received between 300-350 contacts from residents after the 3rd quarter bills went out. After which we reviewed several hundred bills and found that they were not incorrect. The residents that were impacted the most were ones who have sprinkler systems. We also received complaints about the actual water usage compared to the estimated usage from the meter replacement which was due to the software that read the water meters failing and being unable to take actual readings, so we had to use an estimate for about 3500 households. For most residents that estimate was close, but a few had anomalies that made the estimates way off and for those we applied credits. And some of the 300-350 complaints we received were due to the water rate increase that also happened this year. Your issues are important but out of 6700 customers about 90-95% did not see a huge impact from the changes in the summer sewer credit. Maybe 200-300 residents saw a significant impact and it tended to be people that use less water in early months and a lot more water in the summer for watering lawns. Blackstone, Tree Tops and Old Farm were the biggest areas of impact.

2 options the VB could look at: 1. Install deduct meters. Some communities have gone that route and encourage deduct meter installation which keeps an actual reading of how much water is not going down the drain. 2. Eliminate the 11,000 gal minimum and address financial concerns by increasing the multiplier from 1.15 to 1.25 which would make a smaller impact on a small number of residents. Steve ran a few quick calculations and increasing that ratio would increase the bills by \$6-7 per 10,000 gallons of water used per quarter distributing the financial impact among a larger group.

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Some background: 8 area communities provide a summer sewer credit and there are 28 communities that do not offer a credit at all. Deduct meter information: Residents would have to install the meter, installation ranges from \$650 to \$1500 depending on the plumbing in the home. The Village does have some deduct meters currently in use and there is a quarterly fee to have a meter of \$9.50/quarter and a permit fee involved as well. An option would be to possibly waive both the quarterly fee and permit fee for the first year after installation. If either option happens going forward, what are we going to do with the current 3rd quarter bills? Committee and board would both have to take action to change those. Staff can give credit for billing errors but that is not the case here. If committee would like to do one of these options, he suggests passing a motion to authorize staff to make adjustments/credits. For the process moving forward we could create a form to fill out to apply for a credit and make it available in several ways and we would process those as quickly as possible. We are already waiving late fees and offer a payment plan spreading out payments over a period. Recommendations: Even if we don't require deduct meters, good to promote especially for people with irrigation systems. To eliminate the minimum of 11,000 gallons and increase the multiplier to 1.25 which would need to go before the board. I would suggest that staff change the building code to require deduct meters in all new irrigation and sprinkler system installations.

Committee discussion followed. Chairman Kaminski asked how soon could the adjustments in the billing take place? Administrator Kreklow would suggest that residents get the application in as quickly as possible and not pay their bill and in about 3 mos. we could get them processed. Regardless of the reason if anyone is having an issue paying their utility bill, please contact Village Hall and we can work with them. Motion made by Hudson to remove the 11,000-gallon limit and change the ratio from 1.15 to 1.25 which are options 2 & 3 in Administrator Kreklow's presentation. Neureuther seconded. M

Public Comments followed:

Fred Smelzer lives at N115 W17846 Sawgrass Court president at Blackstone Creek Condominium Assoc. His confidence level in this being a fix is very low. If we can't extract data from the system, how did he do the analysis if he can't extract the data? Basing it on the # calls? Silence does not mean concurrence with what is happening. Data is always available in some form if you contract for it. If you try to do it in house and don't have the expertise, then that is how we got into this mess in the first place. I suspect there is a portion of residents who just chalked it up to inflation, or who are wealthy, as it doesn't affect them. A slide states that many communities don't offer a credit. How are they covering their MMSD expenses? What are Menomonee Falls water or sewer bills at? I don't know. How do we know we aren't being shown that any analysis has been done. I don't think that removing the 11,000 gal minimum will solve the issue and I don't feel comfortable with what happened here tonight.

Kaminski the Utility Committee meets next Thursday, we will ask them to investigate these concerns. That their job and that would be the next step here, sending this to that committee, have them meet on it and get some answers and bring those answers back to us.

Bob Simonson on Sawgrass court spoke; I am in support of the motion on the table tonight. I think this is a first step and validating the rate process should be the next step and it must be data driven. We appreciate this first step but there is a lot more to be done.

Art Zabel on Burr Oak Road spoke; He said we are on the right track with eliminating the 11,000 gallons and go to the community advisory committee and for the change to 1.25 we should do a study to see if the increase in the system is that much or less. I'm sure Tim Zimmerman has information about how much flow goes thru the pumping stations and he can see where it's at. Is that increase 1.25, 1.15, 1.3? Instead of trying to push it through tonight let's take the time to do a study to see what that actual usage is. The 1.25 was created by him back in 1985, it was the sewer utility director in Oconomowoc's studies that helped us back then to determine the actual flow. When Germantown first started this, we had flat rates and when we got into the sewer wars, and we started to pay by usage. Starting on Mother's Day the amount of flow goes up, so we implemented the summer sewer credit.

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Administrator Kreklow followed up with; the 1.25 multiplier was presented to this committee and Village Board back in March and it passed. Our budget manager is here waiting for this decision so they can program this into the new Tyler Munis system. We can wait until after next Thursday and then it will need approval from the Village Board, and they could take the committees advice or make changes. Kaminski I'm comfortable with our motion and Tim could give a presentation on how we arrived at the 1.25 and it could be revised at the next Village Board meeting.

Fred Smelzer came back up to talk about the 1.25 versus the 1.15, someone mentioned that there is sewage meters that keep track of the flow etc. it raises a question: We have a lot more industrial sewage in the Village and he suspects they have a lot more usage than residents, is there a # that applies to residential water usage versus industrial usage and can that be part of the analysis that needs to be done.

Chairman Kaminski: we can certainly add that to the agenda for next week's meeting. The Utility Advisory Committee haven't met in quite some time, so this is good for them. They can discuss and determine what percentage goes to the Village Board. What we have done tonight as a committee is to recommend eliminating the 11,000 gallons, issue refunds and get a form out there for you to fill out to get that process going. Motion Unanimous.

NEW BUSINESS**A: Resolution – Additional Stop Sign at Nigbor & Concord**

Director Ratayczak stated that at the November 21, 2022, Village Board meeting the Board approved the addition of Stop Signs on Concord Road for east & west bound traffic. Village Ordinance requires the addition of traffic control devices and associated amendment to the Official Traffic Map be carried out by amending Section 7.02 of the Municipal Code of Germantown. Staff is presenting the attached Ordinance Amendment for approval.

Chairman Kaminski is this the same stop sign that we spent all the money on analysis for? She stated that she missed that meeting. Director Ratayczak replied "Yes, it is" Two (2) Trustees brought it to the VB to reconsider the topic and the VB made the motion after much discussion to add the stop sign. Trustee Hudson, it was Three (3) Trustees, D.Myers, J.Miller and himself. Kaminski, so why did you bring it back? The decision is supposed to be data driven. Hudson: we asked the residents to complete some steps including; gathering a completely new set of petitions and one trustee actually measured the road with and without cars parked on it and they felt it does present a danger to children. It is not necessarily visual but when you park cars on the side of the road the passable area for the cars going both ways gets significantly narrowed and should a child step into the street, there is nowhere for the avoiding car to go which creates a dangerous situation and parking is allowed on both sides of the street. This is the actual resolution, and the Village Board already approved it, so this is just a formality. Chairman Kaminski stated that she is not in favor as she is data driven and respects what the data stated.

MOTION Neureuther/Hudson to recommend approving Ordinance No. __-22 amending the Village's Official Traffic Map. Motion passed with one opposed and forwarded to the Village Board.

B: Capstone-41 (Bldg. 1) Quarterly Water Bill

Director Ratayczak stated that the owner of the Capstone-41 Development brought their 2nd quarter water bill to the Village requesting that the Village review the amount of the bill since they did not have any occupants in the building during the time of this billing period. The quarterly bill is in the amount of \$10,254.34. The Owner, Mike Faber, investigated the water consumption on his end and discovered that an irrigation valve had partially stuck open with the leaking/running water draining into the storm water system (Pond).

Mike is asking for consideration regarding the sanitary portion of the bill which is \$6,967.05. My suggestion is to reduce the sanitary portion of the bill from \$6,967.05 to \$500.00. This would reduce the overall bill to \$3,787.29.

MOTION Neureuther/Hudson to recommend amending the 2022 2nd Quarter Water Bill for the Capstone-41 Development to \$3,787.29. Motion Unanimous.

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Director Ratayczak stated that Pursuant to Village of Germantown Municipal Code Section 17.441 (Protection of Topsoil Resource) Kathryn Sullivan of Moore Construction Services, has submitted a request to remove 20,000 cubic yards of excess topsoil from the project site. The balance of remaining topsoil will be utilized on site for restoration of ponds, berms, and remaining site turf areas.

MOTION Hudson/Neureuther to recommend approval of the request by Moore Construction Services to remove 20,000 cubic yards of excess topsoil. Motion Unanimous.

D: Heritage Park North – Reduction of LOC

Director Ratayczak stated that a Letter of Credit (LOC) was required by the Development Agreement with Home Path Financial for the Development know as Heritage Park North Subdivision. The Developers Agreement included the installation of public sanitary sewer, water main, storm sewer, sidewalk, and roads. All within public right-of-way and easements. These improvements have been completed, accepted, and placed in service.

The current Letter of Credit, LOC, is in the amount of \$2,202,592.25 and the developer is requesting a reduction in the amount of \$2,028,280.00 leaving a surety balance of \$174,375.25. The work remaining is the surface course of pavement, planting of roadside trees and street signs. The completed work has been tested and accepted by the required Village departments.

MOTION Neureuther/Hudson to recommend approval of the Home Path Financial Letter to be reduced by \$2,028,280.00 to a remaining balance of \$174,375.25. Motion Unanimous.

E: Goldendale 4 – Release of LOC

Director Ratayczak stated that The Letter of Credit (LOC) was required by the Development Agreement with Dickman Real Estate for the Development know as Goldendale Rd IV, LLC (aka Murphy Pet Foods). The Developers Agreement included the installation of public water main all within easements. These improvements have been completed, accepted, and placed in service.

MOTION Hudson/Neureuther to recommend the approval of the release of the Goldendale Road-IV Development, LLC Letter of Credit No. 9904 issued by Johnson Financial Group in the amount of \$199,000.00 down to zero. Motion Unanimous.

F: Winter Staffing Discussion

Superintendent Anderson stated that he wanted to take a few minutes to discuss the upcoming winter operations as we get closer to the snow flying. I'm hoping that as we get into this discussion and as you get into different complaints or concerns this will help answer any questions you may have. Like many departments we have had quite a bit of turnover recently that might influence our operations this season. It's important that you know we put a lot of effort into finding qualified replacements, all of whom have some prior municipal experience. He anticipates some growing pains this winter as they gel as a team, especially during the first few plowing operations. We do conduct a winter operations staff meeting and they spent quite a bit of time this year compared to the past covering terms and expectations. We gave the new drivers opportunities to go over their routes and teamed them up with veteran drivers for training. Important to know that when we come into the winter operations we come in as a team and we go home as a team. I will keep a very close eye on our winter operations this year and please bring any problems that come up to me and I will get them addressed. Discussion only.

G: Damaged Arial Cable

Superintendent Haugen stated that during a recent training event that involved two village staff members a Coax/Fiber cable was damaged at the existing DPW facility. The damage was caused by failing to lower the containment tank on the Village's vacuum excavator fully and went unnoticed as it was being driven into the DPW entrance where the vehicle struck the cables. Unfortunately, our insurance deductible is set at \$25,000 for this type of occurrence and the claim came in at \$11,607.44. And anything from \$7,500 to \$15,000 comes before this committee.

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Discussion followed. With Superintendent Haugen stating that this was not a new employee but 20-year veterans. Chairman Kaminski stated that this is the first time she has seen anything like this in 12 years. Superintendent Haugen, be assured that this did not go unchecked. Administrator Kreklow spoke; there's not been a suspension or punishment, nothing along those lines but it is documented, and it is in their employee file which is a personnel action. They have not had any incidents in the past in 20 years but if there were to be more incidents there would be progressive discipline. He looks at this as a warning. We did express to the employees that this is not acceptable, and discipline would take place if it did happen again. Trustee Hudson, how does this play into the merit review process? Kreklow these are salaried employees so that would be a factor in the merit review process.

MOTION Neureuther/Hudson to recommend payment of this claim and it would be divided by the Water Utility and DPW Streets Department. 60% Water-Acct #50-722-530-6310 - \$6,964.44 & 40% DPW-Acct #10-519-530-5242 - \$4,643.00. Motion Unanimous.

Scott Anderson spoke to say something on behalf of the two (2) long-term, excellent employees. I don't think there is anything more we could say or do to make them feel worse about this situation than they already do. For the employee that was involved from my department, he is an integral part of what we do, and I rely on him heavily. While I understand the concern in the long run it would hurt us to lose these employees. And as far as the employee from my department and his performance evaluation, his performance on many things far outweighs this monetarily.

PROJECT UPDATES: Discussion Followed. Holy Hill Road is open for winter even though it is not complete. Neureuther Century and Lovers Lane is terrific compared to what it was. Excellent job.

NEXT MEETING DATE: Next meeting was set for Wednesday, January 11th, 2023, at 5:30pm.

ANNOUNCEMENTS: None

ADJOURNMENT: Chairman Kaminski adjourned the meeting at 6:55pm.

Deb Remich

Department of Public Works, Administrative Assistant