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Public Works/Engineering
Taped and Televised

SEWER UTILITY DISTRICT COMMISSION

Tuesday, June 13, 2023

7:30 PM

Christine Nuernberg Hall

Minutes

1) Call to Order, Roll Call

Commissioner Nerbun called the meeting to order at 7:47 PM.

Present:

Commissioner Andrew Nerbun
Commissioner Robert Strzelczyk
Commissioner Kelly Tolocko
Commissioner Dale Mayr
Commissioner Jeffrey Hansher
Commissioner Gregg Bach
Commissioner Brian Parrish
Commissioner Kathleen Schneider
Commissioner William Gebhardt

2) Approval of Meeting Minutes

a. April 11th, 2023, Minutes

RESULT: Approved by Voice Acclamation [Unanimous]

MOVED BY: Commissioner Hansher

SECONDED BY: Commissioner Strzelczyk

AYES:	Nerbun, Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt
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3) Resolutions

Action requested: review and recommend approval

- a. **RESOLUTION 4053** A Resolution Authorizing Staff to File the City of Mequon's Compliance Maintenance Annual Report (CMAR) for Calendar Year 2022, in Accordance with Requirements Under Wisconsin Administrative Code NR208

RESULT: **Approved by Roll Call Vote [Unanimous]**
MOVED BY: Commissioner Mayr
SECONDED BY: Commissioner Strzelczyk

AYES:	Nerbun, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt Strzelczyk
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- b. **RESOLUTION 4054** A Resolution Approving Award of a Contract to Complete Inspections of 1,011 Sanitary Sewer Manholes in Various Locations to the Sigma Group of Milwaukee, Wisconsin in the Amount Not-to-Exceed \$48,496

c.
RESULT: **Approved by Roll Call Vote [Unanimous]**
MOVED BY: Commissioner Hansher
SECONDED BY: Commissioner Gebhardt

AYES:	Nerbun, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt Strzelczyk
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- d. **RESOLUTION 4055** A Resolution Approving the Award of Two (2) Contracts for the Rehabilitation of Seventy-Nine (79) Sanitary Manholes with Grout to Great Lakes TV & Seal, Inc. of Green Bay, Wisconsin in the Amount of \$70,235; and for the Rehabilitation of Thirty-Seven (37) Sanitary Manholes with Epoxy to Visu-Sewer, Inc. of Pewaukee, Wisconsin in the Amount of \$170,566

e.
RESULT: **Approved by Roll Call Vote [Unanimous]**
MOVED BY: Commissioner Parrish
SECONDED BY: Commissioner Hansher

AYES:	Nerbun, Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt
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- d. **RESOLUTION 4056** A Resolution Authorizing a Sanitary Service Deferral Agreement for the Property Located at 12204 North Fieldwood Road

Staff provided background information on the property, stating that as a condition of issuing a building permit, the previous owner of the property and the City entered an agreement requiring connection to the public sanitary sewer system. A building permit was issued, but connection was never made.

The property has been sold and the new owners are seeking a deferral from the requirement to connect.

The deferral would allow the property owners to seek a sanitary permit through Ozaukee County to replace the holding tank. The property owners would still pay the capital charges for MMSD which is standard for City deferral agreements.

Staff clarified that the Commissioners were being asked to either approve or deny the deferral. An approval would move onto the Common Council meeting for approval. A denial of the referral would uphold the original agreement. The deferral runs with the property whether the current structure is brought up to compliance or a new structure is constructed. The current owners are seeking an answer on whether the property needs to connect to the sanitary sewer or if they maintain a private system.

Discussion ensued on the condition of the current single-family home on the property not being a conforming structure and located within the flood plain. The current home is 575 feet away from the nearest sewer service connection. Policy states that if the distance to connection is greater than 200 feet the property owner can apply for a deferral.

The Commissioners discussed the idea of approving the deferral contingent upon the property owners bringing the current structure into compliance within a specific timeframe. City Attorney advised against that approach and recommended that the Commission either approve or deny the deferral.

Commissioner Strzelczyk made a motion to deny.

Commissioner Gebhardt seconded the motion to deny.

Commissioner Nerbun stated that if the goal of the City is to have the property in compliance, the Commissioners should vote in such a way that the current owners could achieve compliance. He stated the sanitary sewer system is just one of the many non-compliance issues with the current structure.

Commissioner Parrish stated he would vote no to deny the deferral. He would like to see a motion made to approve the deferral if the structure is brought to compliance within a year.

Discussion ensued about an idea of the Commission give a deadline to the property owners to provide a plan including legitimate detailed cost for the property before a decision would be made.

City Attorney requested clarification as to whether the Commissioners want to make the

decision or if they prefer that staff make the determination. If they would like staff to approve a plan submitted by the property owners, then a motion could be made to conditionally approve the deferral request contingent upon the property owners submitting a detailed plan for bringing the property into compliance.

Commissioner Strzelczyk withdrew his motion to deny.

Director Lundeen requested clarification from the Commission as to what it was trying to accomplish with the conditional approval. Director Lundeen further indicated that the Commission could grant the deferral, but require that the detailed compliance plan be accepted by staff prior to authorization of the holding tank agreement, and therefore building permit.

The possibility of including a timeline was discussed and declined.

Commissioner Strzelczyk made a motion to approve the deferral but withhold action on any application for a holding tank agreement until such time the property owner provides staff a plan to bring the property into building code compliance.

Commissioner Tolocko seconded the motion.

RESULT: Approved as Amended by Voice Acclamation [Unanimous]
MOVED BY: Commissioner Strzelczyk
SECONDED BY: Commissioner Tolocko

AYES:	Nerbun, Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt
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4) Adjourn

a. Motion to Adjourn at 8:45 PM

RESULT: Approved by Roll Call Vote [Unanimous]
MOVED BY: Commissioner Strzelczyk
SECONDED BY: Commissioner Hansher

AYES:	Nerbun, Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt
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Respectfully Submitted,

Ren Schlereth