

**AGENDA  
CITY OF BERLIN  
BERLIN WATER & SEWER COMMISSION MEETING  
WEDNESDAY, JANUARY 27, 2021 4:30 PM  
COUNCIL CHAMBERS**

**MEETING IS OPEN TO THE PUBLIC & CITY HALL IS HANDICAPPED ACCESSIBLE**

- 1. Call to Order/Roll Call**
- 2. General Public Comments/Public Appearances**
- 3. Approval of Minutes. RECOMMENDATION: Approve the November 18, 2020 Water & Sewer Commission meeting minutes.**
- 4. Approval of Financials. RECOMMENDATION: Approve the November 2020 and December 2020 Water & Sewer Department financials as presented.**
- 5. Update on Sewer Connection for 561 Broadway. Update and discussion - No action required.**
- 6. Water & Sewer Department Updates from the Superintendent**
  - Update on DNR Inspection of Wastewater Treatment Plant
  - Update on SCADA improvements
  - New Utility Clerk
- 7. Old Business (To be used to request items of old business be put on a future agenda for further discussion or action; or used to make a motion for reconsideration of an item from the current meeting or immediately previous meeting; or to make a motion to take items off the table which were laid on the table only during the current meeting).**
- 8. New Business (To be used to request items of new business be put on a future agenda).**
- 9. Adjourn**

**Please let Peggy (361-5404) know by 4:00 P.M. on Monday, if you are unable to attend the meeting.**

## \*Check Summary Register©

NOVEMBER 30 2020 to DECEMBER 31 2020

Name	Check Date	Check Amt	
<b>11161 UTILITY CASH - FNB</b>			
Paid Chk# 015398	DAVIES WATER #1476	11/5/2020	\$5,140.82 12 MJ GATE VALVE - RETURNED
Paid Chk# 015399	NORTH CENTRAL LABORATORI	11/5/2020	\$206.69 CALIBRATION WEIGHT/PH PAPER
Paid Chk# 015400	U S POST OFFICE - POSTMASTE	11/5/2020	\$541.29 NOV 2020 MONTHLY BILLING
Paid Chk# 015401	WALTCO INC	11/5/2020	\$593.25 SERVICES FOR OCTOBER 2020
Paid Chk# 015405	ADVANCED DISPOSAL SERVICE	11/13/2020	\$227.53 SERVICE 11/01/2020 - 11/30/202
Paid Chk# 015406	BADGER LABORATORIES INC	11/13/2020	\$3,290.10 TOTAL COLIFORM BACTERIA
Paid Chk# 015407	BADGER STATE INDUSTRIES	11/13/2020	\$8.59 WINDOW ENVELOPES - SHIPPING
Paid Chk# 015408	BADGER STATE WASTE LLC	11/13/2020	\$5,415.00 BIOSOLIDS HAULING
Paid Chk# 015409	BERLIN CITY TREASURER 1015	11/13/2020	\$574.84 SEPTEMBER 2020 CENTURYLINK
Paid Chk# 015410	BERLIN JOURNAL NEWSPAPER	11/13/2020	\$244.00 UTILITY CLERK AD
Paid Chk# 015411	CORPORATE NTRWK SOLUTION	11/13/2020	\$310.00 SONIC WALL-3 YR EXTENDED SERVI
Paid Chk# 015412	CRANE ENGINEERING SALES IN	11/13/2020	\$7,067.00 8" FLOMATIC SWING CH VALVE
Paid Chk# 015413	DAVIES WATER #1476	11/13/2020	\$121.66 RETURN - COMP BV CURB
Paid Chk# 015414	ENERGENECS	11/13/2020	\$496.65 EJECTOR
Paid Chk# 015415	JON LUNDT ELECTRIC, INC	11/13/2020	\$105.11 DARLENE GOODNATURE-GROUND ROD/
Paid Chk# 015416	KUNKEL ENGINEERING GROUP	11/13/2020	\$1,100.00 2020 STREET & UTILITY IMPROVEM
Paid Chk# 015417	MARTELLE WATER TREATMENT	11/13/2020	\$1,834.22 CHLORINE/AQUA MAG BULK
Paid Chk# 015418	NORTH CENTRAL LABORATORI	11/13/2020	\$237.61 PIPET TIPS/PIPET BULB/P TEST N
Paid Chk# 015419	USA BLUEBOOK	11/13/2020	\$161.26 PHOSPHATE REAGENT/DPD
Paid Chk# 015420	WI STATE LABORATORY OF HY	11/13/2020	\$588.00 NUTRIENTS/SOLIDS/BOD/COD
Paid Chk# 015421	BADGER LABORATORIES INC	11/20/2020	\$89.60 TOTAL COLIFORM BACTERIA
Paid Chk# 015422	BERLIN CITY TREASURER 1015	11/20/2020	\$628.28 OCTOBER 2020 GAS/DIESEL
Paid Chk# 015423	CENTURYLINK	11/20/2020	\$53.94 SERVICE 11/09/2020 - 12/08/202
Paid Chk# 015424	CONCENTRA HEALTH SERVICE	11/20/2020	\$60.00 O HUFF - DOT
Paid Chk# 015425	DAVIES WATER #1476	11/20/2020	\$9,900.00 HYDRANT PAINTING
Paid Chk# 015426	FASTENAL COMPANY	11/20/2020	\$159.46 S/S HCS-S/S FHN
Paid Chk# 015427	JON LUNDT ELECTRIC, INC	11/20/2020	\$1,122.45 FLOOD LIGHTS/LABOR
Paid Chk# 015428	LINCOLN CONTR SUPPLY INC	11/20/2020	\$159.00 BATTERY 2PK
Paid Chk# 015429	RWI PIPE FABRICATORS, INC	11/20/2020	\$1,252.00 VIC FLANGE/VIC COUPLINGS/FLG X
Paid Chk# 015430	TOTAL OVERHEAD DOOR SYST	11/20/2020	\$204.00 CABLES-SOUTH DOOR-WWTP SHOP
Paid Chk# 015431	ULINE, INC.	11/20/2020	\$164.12 CONFERENCE ROOM CHAIR
Paid Chk# 015432	BERLIN CITY TREASURER 1015	11/25/2020	\$19,835.84 NOVEMBER 2020 PAYROLL
Paid Chk# 015433	USA BLUEBOOK	11/25/2020	\$60.95 ALUMINIUM DUST PLUG
Paid Chk# 015434	ALAN HIATT	12/3/2020	\$5,290.00 PUMP HOUSE/EXT. DIJESTER
Paid Chk# 015435	BERLIN CITY TREASURER 1015	12/3/2020	\$558.42 OCTOBER 2020 CENTURYLINK BILL
Paid Chk# 015436	CRANE ENGINEERING SALES IN	12/3/2020	\$3,877.03 GRINDER AT CUMBERLAND ST L/S
Paid Chk# 015437	LINCOLN CONTR SUPPLY INC	12/3/2020	\$497.00 18V BATTERY 2PK/20V60V MAX FL
Paid Chk# 015438	MARTELLE WATER TREATMENT	12/3/2020	\$4,420.45 LIQUID ALUMINUM SULFATE
Paid Chk# 015439	SABEL MECHANICAL LLC	12/3/2020	\$6,417.00 EQUIPMENT TO MOVE CAKE TO FIEL
Paid Chk# 015440	U S CELLULAR	12/3/2020	\$167.27 MALNORY/SOBIESKI/VAN/DUTY
Paid Chk# 015441	U S POST OFFICE - POSTMASTE	12/3/2020	\$540.65 DECEMBER MONTHLY BILLS
Paid Chk# 015442	WALTCO INC	12/3/2020	\$593.25 SERVICES FOR NOVEMBER 2020
Paid Chk# 015443	WISCONSIN RURAL WATER ASS	12/3/2020	\$455.00 SYSTEM MEMBERSHIP RENEWAL
Paid Chk# 015444	BERLIN CITY TREASURER	12/15/2020	\$396.11 NOVEMBER 2020 GAS/DIESEL
Paid Chk# 015445	CAULKING PLUS INC	12/15/2020	\$1,292.00 CAULKING MAINTENANCE-WWTP EXTE
Paid Chk# 015446	CenturyLink	12/15/2020	\$53.94 SERVICES DECEMBER 9, 2020 - JA
Paid Chk# 015447	CINTAS CORPORATION	12/15/2020	\$182.79 DUST MOP/MATS
Paid Chk# 015448	DAVIES WATER #1476	12/15/2020	\$1,629.88 GATE VLV/COUP/MEGAPLUG/VLV BOX
Paid Chk# 015449	HORST DISTRIBUTING INC	12/15/2020	\$105.57 BELT-72 DECK
Paid Chk# 015450	MID-AMERICAN RESEARCH CHE	12/15/2020	\$161.15 PRO-GUARD PLUS/MICROFIBER CLOT
Paid Chk# 015451	RIDGE STONE PRODUCTS, INC	12/15/2020	\$839.05 ROAD GRAVEL/3" CLEAR
Paid Chk# 015452	THE EXPEDITERS INC	12/15/2020	\$5,324.80 DIGITALLY TELEVISE SANITARY SE
Paid Chk# 015453	WOOD SEWER & EXCAVATING, I	12/15/2020	\$288,488.23 2020 STREET PROJECT-PAYMENT 2
Paid Chk# 015454	BADGER LABORATORIES INC	12/18/2020	\$1,687.00 TOTAL COLIFORM BACTERIA
Paid Chk# 015455	CYPRESS FARMS LLC	12/18/2020	\$1,750.00 EASEMENT AGREEMENT PAYMENT
Paid Chk# 015456	ENERGENECS	12/18/2020	\$226.78 GREY CERAMIC
Paid Chk# 015457	MCC	12/18/2020	\$1,365.00 REIMBURSE FOR METER CHARGES

## \*Check Summary Register©

NOVEMBER 30 2020 to DECEMBER 31 2020

	Name	Check Date	Check Amt	
Paid Chk# 015458	SCOTT LAMERS CONSTRUCTIO	12/18/2020	\$2,650.00	184 E HURON ST-EXCAVATE
Paid Chk# 015459	WISCONSIN RURAL WATER ASS	12/18/2020	\$100.00	MALNORY/MARKOWSKI
Paid Chk# 015460	BADGER LABORATORIES INC	12/23/2020	\$67.20	TOTAL COLIFORM BACTERIA
Paid Chk# 015461	BERLIN CITY TREASURER	12/23/2020	\$20,082.19	DECEMBER 2020 PAYROLLS
Paid Chk# 015462	DAVIES WATER #1476	12/23/2020	\$1,920.00	METER TESTING FEE
Paid Chk# 015463	L.W. ALLEN LLC	12/23/2020	\$51,896.00	EQUIPMENT/SERVICES FOR WATER S
Paid Chk# 015464	SUPERIOR CHEMICAL CORP	12/23/2020	\$316.75	TUF GEL/DEGREASER/DRAIN SEAL
Paid Chk# 015465	WATER TOWER CLEAN & COAT	12/23/2020	\$3,000.00	INSPECTION-CEMETERY TANK/WELL
Paid Chk# 015466	WATER WELL SOLUTIONS	12/23/2020	\$15,350.00	MAGMETERS/PIPING - WELL 4 & 5
Paid Chk# 015467	BERLIN CITY TREASURER	12/30/2020	\$573.39	NOVEMBER 2020 CENTURYLINK BILL
Paid Chk# 015468	BERLIN CITY TREASURER	12/30/2020	\$257,023.27	INSURANCES/TAXES/COPIES/OFFICE
Paid Chk# 015469	GFL SOLID WASTE MIDWEST LL	12/30/2020	\$227.53	SERVICE 12/01/2020 - 12/31/202
Paid Chk# 015470	RITEWAY BUSINESS FORMS	12/30/2020	\$1,590.46	LASER UTILITY BILLS
Paid Chk# 015471	U S CELLULAR	12/30/2020	\$167.52	MALNORY/SOBIESKI/VAN/DUTY/HAHN
	<b>Total Checks</b>		<b>\$743,235.94</b>	

DATE: January 22, 2021

TO: Water & Sewer Commission

FROM: Brian Malnory, Utility Superintendent

**RE: Mandatory Sanitary Sewer Connection**

**BACKGROUND:** At the November Water & Sewer Commission meeting, the Commission directed staff to clarify with the City Attorney regarding where authority lies to make exceptions to mandatory hook up of sanitary sewer within the City. Attorney Chier confirmed that it is the sole authority of the Utility Superintendent per Sec. 74-6 Compulsory Connection which states:

*Sec. 74-6(a) "Except as set forth in subsection (d) of this section, where a sewer or water main is available to any building used for human habitation, the utility superintendent shall notify in writing the owner or his agent to connect the building to such main and to install such facilities as may be reasonably necessary. **The manner of connection shall be prescribed by the utility superintendent. If a lot abuts on a public street which has an existing sewer and/or water main, that sewer and/or water main shall be presumed to be available, unless otherwise determined to be unavailable at the sole discretion of the utility superintendent.**"*

As Utility Superintendent, I took the following facts into consideration for sanitary sewer hook-up for 561 Broadway:

- Sewer is readily available to the property and is stubbed pass the property line.
- There are no physical barriers prohibiting a sanitary hook-up to this property.
- The water lateral for this property currently runs under the driveway which has an ingress/egress easement; therefore, there is no issue for installation of a sewer lateral in the same area.
- The 1971 permit to install a private septic on this property clearly indicated the permit was approved because sanitary sewer was not available to the property at that time and the permit was to only serve the sanitary needs of the property until such time as sanitary sewer was made available.
- Not requiring this property owner to hook-up to sanitary sewer that is readily available at the property goes directly against our current ordinances, our wellhead protection plan and sets a precedent for the future.

My determination on this issue remains that at which time the property owner's current private septic fails or is to be replaced for any other reason, the property owner is required to hook-up to the city sanitary sewer.

**BACKGROUND:** Listen to update and action if appropriate.

Sec. 74-6. - Compulsory connection.

- (a) *Required.* Except as set forth in subsection (d) of this section, where a sewer or water main is available to any building used for human habitation, the utility superintendent shall notify in writing the owner or his agent to connect the building to such main and to install such facilities as may be reasonably necessary. The manner of connection shall be prescribed by the utility superintendent. If a lot abuts on a public street which has an existing sewer and/or water main, that sewer and/or water main shall be presumed to be available, unless otherwise determined to be unavailable at the sole discretion of the utility superintendent.
- (b) *Notice.* The utility superintendent shall give written notice to the owner or his agent of the building to be connected to the sewer or water main to make such connection in the manner set forth in subsection (a) of this section within 30 days of the date of such notice.
- (c) *Failure to comply.* If the owner or his agent fails to comply after 30 days' notice to connect to the sewer or water main as set forth in subsection (b) of this section, the utility superintendent shall cause such connection and installation to be made and the expense of such connection shall be specially assessed against the property connected.
- (d) *Exception.* Property owners who have installed either a private well or septic system, as evidenced by a valid permit on file, within ten years prior to the availability of a public sewer or water shall not be required to connect to the applicable utility under subsection (a) of this section. However, upon the expiration of the ten-year period, or upon system failure of either the installed private well or septic system, the property owner shall be required to immediately connect to the applicable utility under the provisions set forth in this section. Property owners shall be required to notify the utility superintendent of any system failure or be subject to the provisions of section 1-16. Each day following a system failure in which the property owner fails to notify the utility superintendent of such system failure shall be considered a separate violation.
- (e) *Private wells or septic systems.* Any person applying for a permit for a private well or septic system within the city shall be considered automatic petitioners for installation of city water and sewer.

(Code 1989, § 9-4-6; Ord. No. 06-01, § 9-4-5, 5-22-2001)

**Brian Malnory**

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**Subject:** FW: COB SEWER & WATER MISCELLANEOUS (MARK KURCZEK SEWER CONNECTION ISSUE)

**From:** Chier Law Office LLC [<mailto:legalsolutions@chierlaw.com>]  
**Sent:** Tuesday, January 19, 2021 12:05 PM  
**To:** Brian Malnory  
**Subject:** COB SEWER & WATER MISCELLANEOUS (MARK KURCZEK SEWER CONNECTION ISSUE)

This e-mail message (including all attachments) may contain confidential, proprietary, privileged, and/or private information intended only for the use of the individual or entity named above as the recipient. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is prohibited. If you have received this communication in error, please immediately notify us by telephone, return the original message to us at the below address via the U.S. Postal Service, and delete it from your computer. Although Chier Law Office LLC attempts to prevent the passage of viruses via e-mail and attachments thereto, Chier Law Office LLC does not guarantee that either are virus free, and accepts no liability for any damage sustained as a result of any such viruses.

**Sec. 74-6. - Compulsory connection.**

*Required.* Except as set forth in subsection (d) of this section, where a sewer or water main is available to any building used for human habitation, the utility superintendent shall notify in writing the owner or his agent to connect the building to such main and to install such facilities as may be reasonably necessary. The manner of connection shall be prescribed by the utility superintendent. If a lot abuts on a public street which has an existing sewer and/or water main, that sewer and/or water main shall be presumed to be available, unless otherwise determined to be unavailable at the sole discretion of the utility superintendent. (a)

Based on this, it seems clear that the authority rests solely in you as the superintendent to make any exceptions to the availability of a main for lots abutting on a public street. There really is no appeal authority stated anywhere in the ordinances that I'm seeing.

I hope this answers your question. Thanks Brian.

---Matt

Sincerely,

Matthew G. Chier  
Berlin City Attorney



CHIER LAW OFFICE LLC  
137 E. Huron Street  
Berlin, WI 54923  
Telephone 1-920-361-9740  
Facsimile 1-920-361-9741

PERMIT

The City of Berlin does hereby issue a permit to Conrad Jakubowski

to install a private septic tank for sewage disposal at the following described location:  
561 Broadway Street, Berlin, Wisconsin

there being no present City sanitary sewer available to said applicant(s).

This permit is issued upon the express condition that the said applicant(s) consent to be a petitioner for sanitary sewer whenever any petition is presented and/or filed by any other abutting property owner in said block or in the event the City proposes to install sanitary sewer upon its own initiative.

Dated this 27 day of October, 1971.

SEWER & WATER COMMISSION

BY: Neil Osterberg (Seal)  
Superintendent

I consent to have my name included as a petitioner for City sanitary sewer whenever any petition is presented and/or filed by any other abutting property owner in said block and street, or whenever the City upon its own initiative plans to install sanitary sewer. This agreement shall be binding upon my heirs, executors, administrators and assigns.

Dated this 27 day of October, 1971.

Conrad Jakubowski (Seal)  
Applicant

\_\_\_\_\_  
Applicant (Seal)

**CITY OF BERLIN**

Water and Sewer Utilities

263 SPRING STREET

BERLIN, WISCONSIN 54923

PHONE 361-2404

October 27, 1971

date

TO WHOM IT MAY CONCERN:

A plumbing permit, number 60A, has been issued  
to Conrad Jakubowski

for property which he claims to own and as described as  
561 Broadway Street Berlin, Wisconsin

in the City of Berlin, Wisconsin.

Sanitary sewer is not available to this property and will not be available in all probability for some time to come. It is therefore recommended that this property be supplied with a property sized septic tank to serve the sanitary needs of the property until such time as sanitary sewer is made available.

The owner has supplied the City of Berlin with a signed agreement that, in consideration for the issuance of a plumbing permit by the City, he agrees to become a petitioner for sanitary sewer service whenever such a petition is circulated or when the City of Berlin deems it in the best interests of the City that sanitary sewer facilities be installed.

Neil Osterberg

Neil Osterberg,  
Superintendent and  
Plumbing Inspector



# CITY OF BERLIN

## APPLICATION FOR BUILDING PERMIT

# 17

TO THE INSPECTOR OF BUILDINGS:

Berlin, Wis., Oct. 11, 1947

The undersigned hereby applies for a permit to build, construct, remodel or install according to the following statement:

Owner of Land Con Jaskulowski Address 561 Broadway

Lot ..... Block ..... Subdivision ..... Ward .....

Permit for Building new home

Estimated Cost \$ 6,000 Permit Fees 100 Paid by Receipt No. 648

General Contractor Infytra Address .....

Class of Construction Frame Size of Studding 2x4 Length 12 ft.

Size of Building—No. of feet wide 32 No. of feet length 32 Cubical Contents .....

No. of Stories in Height 2 No. feet in Height from grade level to highest point of roof beams 20 ft.

Will the roof be flat, peaked or mansard Peaked Roof Material asph shingle

### WORK CONSISTS OF

New Building  Wrecking ..... Addition .....

Alteration ..... Moving .....

Garage also 70x20' Rear Yard ..... Side Yard ..... Set Back .....

REMARKS: .....

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It is Hereby Agreed between the undersigned as owner, his agent or servant, and the City of Berlin, that for and in consideration of the premises and of the permit to construct, erect, alter or install as above described, to be issued and granted by the Assessor-Treasurer that the work thereon will be done in accordance with the description herein set forth in this statement and as more fully described in the specifications and plans herewith filed; and it is further agreed to construct, erect, alter or install in strict compliance with the ordinances of the City of Berlin, the laws of the State of Wisconsin, the State Building Code and to obey any and all lawful orders of the City Engineer of the City of Berlin.

The permittee shall within ten days after completing such work file with the Assessor - Treasurer itemized bills for such, and at any time upon demand by said officer to furnish itemized bills of such up to the time of such demand, the same to be furnished within five days after said demand.

NAME Conrad Jaskulowski

ADDRESS .....

Permission is Hereby Granted for the above described work on condition that same be done in accordance with the application plan and specifications on file, and in compliance with the building ordinance and the ordinances of the City of Berlin, and the State Building Code of Wisconsin, that the same be reported when ready for inspection as required by the said Building Ordinance.

Date Oct. 11 19 47

Signed Eugene Schuman  
Assessor - Treasurer

(over)

## Brian Malnory

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**To:** Brian Malnory  
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Brian;

In response to your request for me to double check the ordinance and see what if any authority either the Commission or the Common Council had to overrule your authority, the following is the ordinance in question:

**Sec. 74-6. - Compulsory connection.**

(a)

*Required.* Except as set forth in subsection (d) of this section, where a sewer or water main is available to any building used for human habitation, the utility superintendent shall notify in writing the owner or his agent to connect the building to such main and to install such facilities as may be reasonably necessary. The manner of connection shall be prescribed by the utility superintendent. If a lot abuts on a public street which has an existing sewer and/or water main, that sewer and/or water main shall be presumed to be available, unless otherwise determined to be unavailable at the sole discretion of the utility superintendent.

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I hope this answers your question. Thanks Brian.

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Sincerely,

Matthew G. Chier  
Berlin City Attorney



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