

It is expected that a Quorum of the Personnel Committee, Administration Committee, and Common Council will be attending this meeting: (although it is not expected that any official action of any of those bodies will be taken)

CITY OF MENASHA
Board of Public Works
Third Floor Council Chambers
140 Main Street, Menasha
January 5, 2009
6:35 PM
or immediately following the Administration Committee
AGENDA

- A. CALL TO ORDER
- B. ROLL CALL/EXCUSED ABSENCES
- C. MINUTES TO APPROVE
 - 1. [December 15, 2008](#)
- D. ACTION ITEMS
 - 1. [Change Order – Coenen Mechanical, LLC; Water Treatment Plant Modifications; Contract Unit No. M002-940266.02; ADD: \\$9,157.65 \(Recommended by Utilities Commission 12/17/08\)](#)
 - 2. [Change Order – Infrastructure Technologies, Inc.; City of Menasha Wastewater Collection System Rehabilitation Improvements Project – Phase 3; Contract No. E145-07-01D; Sanitary Manhole Lining; 30-Day Time Extension \(Change Order No. 2\)](#)
 - 3. [Change Order – Infrastructure Technologies, Inc.; City of Menasha Wastewater Collection System Rehabilitation Improvements Project – Phase 3; Contract No. E145-07-01D; Sanitary Manhole Lining; DEDUCT: \\$516.68 \(Change Order No. 3\)](#)
 - 4. [Authorization to Execute County/Municipal Recycling Agreement Extension](#)
 - 5. [O-2-09 An Ordinance Relating to Unpaid Utility Bills](#)
 - 6. [O-21-08 An Ordinance Relating to Cross Connection Control](#)
- E. ADJOURNMENT

"Menasha is committed to its diverse population. Our Non-English speaking population and those with disabilities are invited to contact the Menasha City Clerk at 967-3603 24-hours in advance of the meeting for the City to arrange special accommodations."

CITY OF MENASHA
Board of Public Works
Third Floor Council Chambers
140 Main Street, Menasha
December 15, 2008
MINUTES

A. CALL TO ORDER

Meeting called to order by Chairman Pack at 6:45 p.m.

B. ROLL CALL/EXCUSED ABSENCES

PRESENT: Ald. Zelinski, Benner, Pamerter, Taylor, Wisneski, Pack, Hendricks

EXCUSED: Ald. Michalkiewicz

ALSO PRESENT: Mayor Merkes, CA/HRD Brandt, Lt. Sahr, DPW Radtke, CDD Keil, C/T Stoffel,
Clerk Galezzi

C. MINUTES TO APPROVE

1. [December 1, 2008](#)

Moved by Ald. Wisneski, seconded by Ald. Taylor to approve minutes.
Motion carried on voice vote.

D. ACTION ITEMS

1. [Change Order – National Power Rodding Corporation; City of Menasha Wastewater Collection System Rehabilitation Improvements Project – Phase 3; Contract No. E145-07-01B Sanitary Sewer Rehabilitation; ADD: \\$2,500.00 \(Change Order No. 3\)](#)

Moved by Ald. Wisneski, seconded by Ald. Hendricks to recommend approval to Common Council.
Motion carried on voice vote

2. [Change Order – National Power Rodding Corporation; City of Menasha Wastewater Collection System Rehabilitation Improvements Project – Phase 3; Contract No. E145-07-01B Sanitary Sewer Rehabilitation; DEDUCT: \\$46,702.11 \(Change Order No. 4\)](#)

Moved by Ald. Wisneski, seconded by Ald. Hendricks to recommend approval to Common Council.
Motion carried on voice vote

3. [Payment – Insituform Technologies, USA, Inc.; City of Menasha Wastewater Collection System Rehabilitation Improvements Project – Phase 3; Contract No. E145-07-01A; Sanitary Sewer Lining; \\$212,047.00 \(Payment No. 7\)](#)

Moved by Ald. Wisneski, seconded by Ald. Hendricks to recommend approval to Common Council.
Motion carried on voice vote

4. [Payment – DeGroot, Inc.; City of Menasha Wastewater Collection System Rehabilitation Improvements Project – Phase 3; Contract No. E145-07-01C; Sanitary Sewer Replacement: \\$10,393.62 \(Payment No. 2 and Final\)](#)

Moved by Ald. Wisneski, seconded by Ald. Hendricks to recommend approval to Common Council.
Motion carried on voice vote

5. [Payment – Infrastructure Technologies, Inc.; City of Menasha Wastewater Collection System Rehabilitation Improvements Project – Phase 3, Contract No. E145-07-01D; Sanitary Manhole Lining; \\$45,873.92 \(Payment No. 9\)](#)

Moved by Ald. Wisneski, seconded by Ald. Hendricks to recommend approval to Common Council.

Motion carried on voice vote

6. [Billing Procedure Options for Stormwater Utility Ordinance](#)

DPW Radtke explained this item is in response to CA/HRD Brandt's memo regarding the amendment to the original Stormwater Utility Ordinance. This was for discussion or suggestions.

7. [0-21-08 An Ordinance Relating to Cross Connection Control](#)

Mayor Merkes explained this ordinance will be discussed by the Utility Commission at their next meeting; should wait until after the Utility Commission makes a recommendation.

8. [0-22-08 An Ordinance Relating to Post Construction Storm Water Management](#)

DPW Radtke explained this ordinance is to create regulations and a permit system to ensure proper post-construction storm water management operations are being done to protect the waters of the State. Use of this ordinance by the City will foster the consistent statewide application of post-construction performance standards for new development and redevelopment. State mandate requires an ordinance to be in place.

Moved by Ald. Wisneski, seconded by Ald. Hendricks to recommend approval to Common Council.

Motion carried on voice vote

9. [R-23-08 A Resolution Establishing the Equivalent Runoff Unit \(ERU\) Charge for the Storm Water Utility](#)

Mayor Merkes explained the fee charged for each ERU has not been decided. He is recommending \$65.00 because that figure was the preliminary amount suggested during final discussion of the Stormwater Utility Ordinance. In their report, CDD Keil and DPW Radtke recommended a slightly higher fee due to expected industrial ERU credits. Discussion ensued on what to set the fee at and what the fee will cover.

Moved by Ald. Pack, seconded by Ald. Taylor to set the fee for each ERU at \$65.00

Motion carried on roll call 5-2.

Ald. Pamerter, Taylor, Pack, Hendricks, Zelinski – yes

Ald. Wisneski, Benner – no

Moved by Ald. Wisneski, seconded by Ald. Hendricks to recommend approval to Common Council.

Motion carried on voice vote

E. ADJOURNMENT

Moved by Ald. Taylor, seconded by Ald. Wisneski to adjourn at 7:20 p.m.

Motion carried on voice vote.

Respectfully submitted by
Deborah A. Galeazzi, City Clerk



MEMORANDUM

TO: Mark Radtke, Director
Public Works

FROM: Melanie Krause *MGK*
Manager of Business Operations

DATE: December 19, 2008

SUBJECT: Recommendation for Coenen Mechanical Change Order

At the Regular Meeting of the Menasha Utilities Commission today, a motion was approved requesting the Board of Public Works recommend to the Common Council approval of Coenen Mechanical Change Order, in the amount of \$9,157.65 for the Water Treatment Plant Piping Modifications.

Money is available from the Safe Water Drinking funds to pay for this change order out of the contingency. A copy of the Additional Work Authorization form is attached for your reference.

ADDITIONAL WORK AUTHORIZATION

Coenen Mechanical, LLC
 W2662 Sievert Road Seymour, WI
 54165 Ph. (920) 788-9710
 Fax (920) 788-9720

AWA NO. 28391
 PROJECT NO. 28302
 PROJECT TITLE: Menasha Water Treatment Facility
 CUSTOMER: Menasha Utility
 PROJECT LOCATION: Menasha
 DATE: 12-4-08
 CONT. P.O. #
 REQUESTED BY: McMahon / Jerry at plant

DESCRIPTION OF CHANGE: Include reasons, drawings affected, line nos., equipment nos., etc.

After the piping was fabricated and the installation had begun, it was realized the elevation in the walk-way was a bit too low. It was mentioned to Tim, and Pete, and I then mentioned to Mr. Mark Stoeger we needed to review this. We located a new route and agreed on a location for the floor penetrations. We will also do some demo of pipe and existing hangers, for access for the new pipe route as discussed.

Labor	Material	Mark-up	Equip.	Consume	TOTAL
ForeMH 40	\$2,784.00 fittings	\$ 375.00	\$ 56.25	\$ -	\$ 75.00
JourMH 120	\$7,140.00	\$ -			\$10,430.25
Insulation					\$ 468.00
Painting					\$ 325.00
Labor for piping in basement included in BASE BID.					
ForeMH 16	\$ 1,113.60				\$ 2,065.60
JourMH 16	\$ 952.00				
Total Change Order					\$ 9,157.65

EFFECT ON SCHEDULE: Add 1-2 weeks possibly.

Above work to be performed under same conditions as specified in original contract unless otherwise stipulated!

C.M. AUTHORIZATION: _____

DATE: 12-4-08

CLIENT AUTHORIZATION: _____

DATE: _____

CHANGE ORDER NO. CO-1450701D-02 DATE November 17, 2008

KAEMPFER & ASSOCIATES, INC. PROJECT: WASTEWATER COLLECTION SYSTEM
Consulting Engineers REHABILITATION IMPROVEMENTS PHASE 3
Post Office Box 150 OWNER: CITY OF MENASHA
650 East Jackson Street 140 Main Street
Oconto Falls, WI 54154 Menasha, WI 54952

OWNER'S PROJECT NO.: _____ ENGINEER'S PROJECT NO.: E145-05.11

CONTRACTOR: INFRASTRUCTURE CONTRACT DATE: November 12, 2007
TECHNOLOGIES, INC. COMPLETION DATE: November 30, 2008
REVISED COMPLETION DATE: December 30, 2008

ADDRESS: 6268 Oak Run Road
Rhineland, Wisconsin 54501

CONTRACT: E145-07-01D, Sanitary Manhole Lining

You are directed to make the changes noted below in the above contract and this Change Order becomes a part of your contract, subject to all the conditions thereof;

NATURE OF CHANGE: The Contractor is granted a 30-day time extension to complete punch list items, for processing change order for revised quantities, and completion all closeout documentation.

ADDITIONAL NUMBER OF CONTRACT DAYS PROVIDED BY THIS CHANGE ORDER: 30 DAYS
Enclosures: Infrastructure Technologies, Inc. letter dated October 29, 2008.

The changes result in the following adjustment of Contract Price:

Contract Price Prior to this Change Order	<u>\$306,731.00</u>
Net (Increase/Decrease) Resulting from this Change Order	<u>0.00</u>
Current Price, including this Change Order	<u>\$306,731.00</u>

The above changes are approved:

FOR THE ENGINEER: By: Taryn S. Nall Date: 11/26/08
Taryn S. Nall, P.E.

FOR THE OWNER: By: _____ Date: _____
Mark Radtke, P.E., Director of Public Works

The above changes are accepted:

FOR THE CONTRACTOR: INFRASTRUCTURE TECHNOLOGIES, INC.

By: Matt Huston Date: 11/24/08
Matt Huston, Project Manager

October 29, 2008

Infratech

Infrastructure Technologies, Inc.

21040 Commerce Boulevard
Rogers, MN 55374-9341
www.infratechcatalog.com

Phone 763/428-6488 • Fax 763/428-6489

Mr. Mark Radtke
Director of Public Works
City of Menasha
140 Main Street
Menasha, WI 54952

Re: Request for additional time to closeout Contract E145-07-01D

Dear Mark:

First and foremost, I'd like to thank you, your personnel and Kaempfer & Associates for your confidence in our manhole rehabilitation services. We have greatly enjoyed our time working for you and ended up with a nice magazine article to boot!

At the time of this letter, we expect to have all production complete on time and by the completion date of November 30, 2008. However, as this project comes to a close we would like to ask for a time extension to address any punch-list items that may arise, the processing of any change order(s) to reconcile final project quantities and completing all final closeout documents.

Mark, please consider our request and let us know your decision whether to grant extra time needed to closeout the final paperwork.

Respectfully,



Matt Huston
Infrastructure Technologies, Inc.
(888) 289-1163 Rhinelander Office
(612) 963-0643 Mobile

cc: Taryn Nall, Kaempfer and Associates, Inc.

CHANGE ORDER NO. CO-1450701D-03 DATE December 19, 2008

KAEMPFER & ASSOCIATES, INC. PROJECT: WASTEWATER COLLECTION SYSTEM
Consulting Engineers REHABILITATION IMPROVEMENTS PHASE 3
Post Office Box 150 OWNER: CITY OF MENASHA
650 East Jackson Street 140 Main Street
Oconto Falls, WI 54154 Menasha, WI 54952

OWNER'S PROJECT NO.: _____ ENGINEER'S PROJECT NO.: E145-05.11

CONTRACTOR: INFRASTRUCTURE CONTRACT DATE: November 12, 2007
TECHNOLOGIES, INC. COMPLETION DATE: December 30, 2008

ADDRESS: 6268 Oak Run Road
Rhineland, Wisconsin 54501

CONTRACT: E145-07-01D, Sanitary Manhole Lining

You are directed to make the changes noted below in the above contract and this Change Order becomes a part of your contract, subject to all the conditions thereof;

NATURE OF CHANGE: Revise contract price to reflect as-built quantities.

ADDITIONAL NUMBER OF CONTRACT DAYS PROVIDED BY THIS CHANGE ORDER: 0 DAYS

Enclosures: Unit price contract spreadsheet.

The changes result in the following adjustment of Contract Price:

Contract Price Prior to this Change Order	\$306,731.00
Net (Increase) <u>(Decrease)</u> Resulting from this Change Order	(\$ 516.68)
Current Price, including this Change Order	\$306,214.32

The above changes are approved:

FOR THE ENGINEER: By: Taryn S. Nall Date: 12/23/08
Taryn S. Nall, P.E.

FOR THE OWNER: By: _____ Date: _____
Mark Radtke, P.E., Director of Public Works

The above changes are accepted:

FOR THE CONTRACTOR: INFRASTRUCTURE TECHNOLOGIES, INC.

By: Matt Huston Date: 12/22/08
Matt Huston, Project Manager

LANDFILL/ADMINISTRATION
(920) 232-1800
FOX CITIES
(920) 727-2884
FAX (920) 424-1189

100 W.COUNTY RD. Y
OSHKOSH, WI 54901



Winnebago County

Solid Waste Management Board

The Wave of the Future

TRANSFER STATION
(920) 232-1850
FOX CITIES
(920) 727-2896
FAX (920) 424-4955

LANDFILL GAS FACILITY
(920) 232-1810
LANDFILL GAS FAX
(920) 424-7761

DATE: December 12, 2008
TO: Contracted Responsible Units
FROM: Jennifer Semrau - Recycling Specialist
RE: November 2008 Scale Tickets & Tonnage Report

Enclosed are your recycling scale tickets for the month of November 2008. Check your tickets carefully for any errors and omissions. ***We need to be notified immediately of errors found or missing tickets so that we can correct the records.***

Your tonnage report is also enclosed. Review your ratios, pounds per person and how you compare to other units of similar size.

County/Municipal Recycling Agreement Extension

Enclosed are two copies of a six-month extension to our County/Municipal Recycling Agreement. The purpose of the agreement is to retain the procedural aspects of the current dual stream recycling program through June 30, 2009. This will allow us additional time to develop a new County/Municipal Recycling Agreement that will address single stream recycling. Communities are asked to sign both copies and return them to me. We will then execute the Extension and return a copy to you for your files. Please bring the Extension document forth through your necessary approval process as soon as you are able. We hope to receive all the signed documents back in a timely manner to execute and return to you promptly. Please feel free to contact me with any questions.

Household Hazardous Material Facility Closes for Winter

Winnebago County's Household Hazardous Material Facility closed for the winter on October 25th. We had another successful year at our facility, collecting 27,801 pounds. Residents who missed dropping off their material this season can either wait until the facility reopens in May or contact the Brown County Hazardous Waste Facility at (920) 492-4950. Brown County will accept material from Winnebago County residents during our "off-season" at no charge to the resident (Winnebago County will be billed for the material).

Fall Medication Collection Results

Winnebago County in partnership with Calumet, Outagamie and Waupaca Counties, held a fall Medication Collection over several weeks in September. Residents could bring in expired or unwanted human and pet medications. In total, 771 participants brought in 1,133 pounds of medications for disposal, including 187 people from Winnebago County.

SECOND EXTENSION
OF
1993 COUNTY/MUNICIPAL RECYCLING AGREEMENT

THIS EXTENSION to the County/Municipal Recycling Agreement described below, is made effective January 1, 2009.

WHEREAS, Winnebago County (the "County") and the ~~Town/Village/City~~ (strike two) of Menasha (insert in name of municipality) (the "Signing Municipality") entered into that certain County/Municipal Recycling Agreement on the _____ day of _____ 1993 (the "Agreement"); and

WHEREAS, the County, by virtue of that certain Assignment of 1993 County/Municipal Agreements executed December 13, 2007, has assigned all of its right title and interest in and to the Agreement to the Winnebago County Solid Waste Management Board (the "Solid Waste Board"); and

WHEREAS, the Solid Waste Board and the Signing Municipality are collectively called "the Parties" herein; and

WHEREAS, it now appears desirable to extend such Agreement; and

WHEREAS, the Agreement in **ARTICLE III TERM AND RENEWAL, Section C. Renewal** stated, "Renewal of this Agreement shall be by mutual written consent of each party after December 31, 2007."

NOW, THEREFORE, in consideration of the above premises and the mutual covenants of the Parties, the Signing Municipality and the Solid Waste Board, as assignee of the County, do agree as set forth below:

1. The Agreement is extended for six (6) months through June 30, 2009 while the Solid Waste Board concludes construction, preparation, testing and implementation of a single stream recycling processing system.

2. All other terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the Solid Waste Board and the Signing Municipality have executed this Extension as of January 1, 2009.

**WINNEBAGO COUNTY SOLID WASTE
MANAGEMENT BOARD**

Date: _____

By: _____
Patrick O'Brien, Chairman

Date: _____

By: _____
John M. Rabe, Director of Solid Waste

TOWN/VILLAGE/CITY OF _____

Date: _____

By: _____

(Print Name)
Town Chairman/Village President/Mayor

Date: _____

By: _____

(Print Name)
Town/Village/City Clerk

ORDINANCE O - 2 - 09

AN ORDINANCE RELATING TO UNPAID UTILITY BILLS

Introduced by Alderman Zelinski

The Common Council of the City of Menasha does ordain as follows:

SECTION 1: Sec. 3-2-17(a) is repealed and recreated to read as follows:

- (a) At least once each year the General Manager *or his designee* of the Utilities shall certify to the City Treasurer those utility bills, water, sewer, electric, and *storm water* deemed by him as uncollectible with administrative reasons therefore. An unpaid bill in the hands of a collection agency for more than 120 days without being collected is deemed uncollectible.

SECTION 2: Sec. 3-2-17(c) is repealed and recreated to read as follows:

- (b) Each and every notice shall contain a provision that the user may appeal the amount owed. In no event will a hearing be granted after November 1st of each and every year.
- (1) *In the event of a dispute involving electric or water bills, the appeal shall be to the Electric & Water Utility Commission ~~and~~ who shall conduct a hearing. granted.*
 - (2) *In the event of a dispute involving sanitary sewer or storm water bills, the appeal shall be to the Board of Public Works who shall conduct a hearing.*
 - (3) *The results of any hearing shall be communicated to the owner of the real estate pursuant to the notice provisions of sec. 3-2-17(a) and (d).*

SECTION 3: This ordinance shall become effective upon its passage and publication as provided by law.

Passed and approved this _____ day of _____,

Donald Merkes, Mayor

ATTEST:

Deborah A. Galeazzi, City Clerk

Attorney's Note: This should clean up the problems relating to delinquencies in storm water utility payments. It is not designed to address the policy issues raised in my 11/19/08 memorandum.

Memo

To: Board of Public Works

From: Lonnie Pichler, Electric and Water Distribution Supervisor, Menasha Utilities

CC: Mayor Don Merkes
Attorney Jeff Brandt
Carl Verhagen

Date: December 31, 2008

Re: Ordinance Relating to Cross Connection Control

Wisconsin DNR is in the final stages of revising its Cross Connection Control code requirements. The changes currently incorporated into the draft code could significantly impact Utility resources and operations if implemented.

I would recommend that you table the changes to the ordinance relating to Cross Connection Control until the DNR revisions are final and the applicable revisions can be properly written into the ordinance.

Proposed Ordinance

ORDINANCE O - 21 - 08

AN ORDINANCE RELATING TO CROSS CONNECTION CONTROL

Introduced by Mayor Merkes.

The Common Council of the City of Menasha does ordain as follows:

SECTION 1: Sec. 9-2-15 is repealed and recreated to read as follows:

SEC. 9-2-15 CROSS CONNECTION CONTROL.

(1) DEFINITIONS:

(a) **Backflow:** The undesirable flow of water or mixtures of water and other liquids, gases, or other substances under positive pressure into the Menasha Water Utility (Utility) distribution pipes of the potable supply of water from any source(s).

(b) **Backflow Preventer:** A device or means designed to prevent backflow caused by backpressure or back-siphonage. Most commonly categorized as air gap, reduced pressure principle backflow preventer, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose connection vacuum breaker, hose connection backflow preventer, backflow preventer with intermediate atmospheric vent, and barometric loop.

(c) **Backpressure:** An elevation of pressure in the downstream piping system (i.e. pump, elevation of piping, or steam and/or air pressure) above the Utility supply pressure, which would cause, or tend to cause, a reversal of the normal direction of flow.

(d) **Back-siphonage:** The flow of water or other liquids, mixtures or substances into the distribution pipes of the Utility's potable water supply system from any source caused by the sudden reduction of pressure in the Utility potable water supply system.

(e) **Cross Connection:** Any physical connection or arrangement between two (2) otherwise separate systems, one of which contains potable water from the City of Menasha water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flowing depending on the pressure differential between the two systems.

Proposed Ordinance

(2) **CROSS CONNECTIONS PROHIBITED**

No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the City of Menasha may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Menasha Water Utility and by the Wisconsin Department of Natural Resources in accordance with Section NR 11.25(3), Wisconsin Administrative Code.

(3) **INSPECTIONS**

It shall be the duty of the Water Utility to cause inspections to be made of all properties served by the public water system where cross connections with the public water system are deemed possible. Residential properties serviced by the Utility shall be inspected on a ten (10) year interval. All non-residential properties serviced by the Utility shall be inspected on a two (2) year interval. The Utility may, but is not required to, perform the cross-connection inspection of the owner's property. If, in the opinion of the Utility, the Utility is not able to perform the inspection, the property owner must, at their own expense, have the plumbing inspected for cross-connections by a State of Wisconsin Certified Cross-Connection Inspector/Surveyor or by a State of Wisconsin licensed plumber. The frequency of inspections and reinspection, based on potential health hazards involved, shall be as established by the Water Utility and as approved by the Wisconsin Department of Natural Resources. The Utility shall charge fees as approved by the State of Wisconsin Public Service Commission for on-premises follow-up visits by Utility personnel for re-inspection due to customer non-compliance and for after-hour inspections or re-inspections.

(4) **RIGHT OF ENTRY**

Upon presentation of credentials, the representative of the Water Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the City of Menasha for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under Sec. 66.122, Wis. Stats. The utility shall charge \$20 per day for refusal to allow entry to examine any property. On request, the owner, lessee or occupant of any property so served shall furnish to the Water Utility any pertinent information regarding the piping system or systems on such property.

Proposed Ordinance

(5) AUTHORITY TO DISCONTINUE SERVICE

The Menasha Water Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this Section exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued if the means of backflow prevention required by the Utility is not installed, tested, maintained, and repaired in compliance with this ordinance and Wisconsin Administrative Code NR 811 or if it is found that the means of backflow prevention required by this ordinance has been removed or bypassed. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wis. Stats., except as provided in Subsection (7).

(6) RECONNECTION OF SERVICE

Water service to any property discontinued under the provisions of this ordinance shall not be restored until the cross-connection has been eliminated or a backflow prevention device approved by the Utility has been installed in compliance with the provisions of this section. The Utility shall charge fees as approved by the State of Wisconsin Public Service Commission for the reconnection of the water service.

(7) EMERGENCY DISCONTINUANCE OF SERVICE

If it is determined by the Menasha Water Utility that a cross connection or an emergency endangers public health, safety or welfare and requires immediate action and a written finding to that effect is filed with the Clerk of the City of Menasha and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wis. Stats., within ten (10) days of such emergency discontinuance.

(8) OWNER RESPONSIBILITY

The property owner shall be responsible for the elimination of or protection from all cross-connections on their premises. The owner shall at their expense, have installed, maintained, and tested, any and all backflow preventers on their premises in compliance with Wisconsin Administrative Code NR 811 and Comm 82. The property owner shall have corrected any malfunction, revealed by periodic testing, of any backflow preventer(s) on their premises. The property owner shall inform the Utility of any proposed or modified cross-connections and also any existing cross-connections, which are not protected by an approved backflow prevention device. The property owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Property owners who cannot shut down operation for testing of the backflow prevention device(s) must supply additional devices necessary to allow testing to take place. In the event the property owner installs plumbing

Proposed Ordinance

upstream of the backflow preventer, such plumbing must have its own approved backflow preventer.

(9) ADDITIONAL PROTECTION

In the case of premises having (1) internal cross-connections that cannot be permanently corrected or controlled, or (2) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow preventer in the service line. In the case of any premises where there is any material dangerous to health that is handled in such manner, that in the opinion of the Utility could create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow preventer. Examples of premises where these conditions will exist include sewage treatment plants, marinas, hospitals, mortuaries, plating plants, and car wash establishments. In the case of any premises where, in the opinion of the Utility, an undue health threat is posed because of the presence of toxic substances, the Utility may require an approved air-gap at the service connection to protect the public water system. This requirement will be at the discretion of the Utility.

(10) WISCONSIN ADMINISTRATIVE CODE AND PLUMBING CODES

The City of Menasha adopts by reference the State Plumbing Code of Wisconsin, Comm. 81-87 or the City Plumbing Code, and the Wisconsin Administrative Code. This Section does not supersede the State Plumbing Code and the Menasha Plumbing Code, but is supplementary to them.

(11) RECOMMENDED PRACTICE

The property owner will be required to follow the recommended protection practices described in the American Water Works Association publication #AWWA M14 titled "Recommended Practice for Backflow Prevention and Cross-Connection Control" unless the Utility requires or authorizes other means of protecting the public water system. These requirements or authorizations will be at the discretion of the Utility.

SECTION 2: This ordinance shall become effective upon its passage and publication as provided by law.

Proposed Ordinance

Passed and approved this _____ day of _____,

Donald Merkes, Mayor

ATTEST:

Deborah A. Galeazzi, City Clerk