



## Legislation Text

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**File #:** 200606, **Version:** 2

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200606  
SUBSTITUTE 1  
171126  
ALD. BORKOWSKI

Substitute Resolution to authorize an amendment to the agreement between the City of Milwaukee and the City of Waukesha for the purchase of water at wholesale, and to authorize acquisition of real property interests for a pumping station in the 11th Aldermanic District.

This Substitute Resolution authorizes City entry into an amendment to a 2017 Agreement between Milwaukee and Waukesha concerning location, construction, maintenance, and use of a new water pumping station and also authorizes the City of Milwaukee to acquire from Waukesha real property interests associated with that pumping station.

Whereas, Milwaukee and Waukesha executed an Agreement between the City of Milwaukee and the City of Waukesha for the Purchase of Water at Wholesale ("Water Service Agreement") with an effective date of December 20, 2017 (Milwaukee Common Council File No. 171126); and

Whereas, The Water Service Agreement provided that Milwaukee shall design, construct, own, operate, and maintain a water supply pumping station in the vicinity of South 60<sup>th</sup> Street between West Howard Avenue and West Cold Spring Road; and

Whereas, the Water Service Agreement provided that Milwaukee shall design, construct, own, operate, and maintain the transmission main from the water supply pumping station to the Connection, which was to be located in the vicinity of South 84th Street and West Cold Spring Road; and

Whereas, During preliminary engineering, Milwaukee and Waukesha identified a preferred pumping station location at or near West Oklahoma Avenue and South 76<sup>th</sup> Street that will enable Milwaukee and Waukesha to use an alternative route that will reduce the number of miles of transmission main necessary to supply water to Waukesha, resulting in savings to both utilities; and

Whereas, The preferred pumping station location will enable Milwaukee to decommission and replace an existing Oklahoma Avenue pumping station that does not conform to current state regulations and is at the end of its useful life; and

Whereas, The new pumping station will not only enable Milwaukee to supply water to Waukesha but will also include a 3.0 million gallons per day capacity pump dedicated to Milwaukee's distribution system; and

Whereas, The new pumping station will improve the efficiency of Milwaukee Water Works' distribution system by eliminating the need for a second independent pumping station solely for the purpose of replacing the non-conforming Oklahoma Pumping Station and providing additional operational flexibility, reserve capacity, and redundancy; and

Whereas, DPW officials and Waukesha officials negotiated the proposed Amendment to the Water Service Agreement, a copy of which has been made a part of this file; and

Whereas, Pursuant to the Amendment, Waukesha agrees to acquire the real property interests, fee and easements, upon which the water supply pumping station and water piping will be located, which real property interests are specifically identified in the Amendment; and, upon Milwaukee's payment to Waukesha of a capped contribution of \$182,000 toward Waukesha's acquisition costs, Waukesha will transfer and convey ownership of the real property interests to Milwaukee; and

Whereas, Waukesha has incurred, or will incur, substantial costs related to the acquisition of the real property interests; and

Whereas, some of the real property interests are impacted by environmental exceedances likely due to off-site discharge from a nearby Amoco gas station; and

Whereas, After Milwaukee acquires the real property interests, Milwaukee will have an environmental engineer further investigate and report environmental conditions to the Wisconsin Department of Natural Resources, and Milwaukee will pursue DNR case closure regarding real property interests that may be affected by environmental exceedances; and

Whereas, The Public Service Commission of Wisconsin voted unanimously to authorize construction of the Milwaukee-owned infrastructure provided in the Water Service Agreement as amended by this Amendment and Milwaukee is awaiting the PSC's written Final Decision; and

Whereas, The Waukesha Common Council authorized the proper Waukesha officers to execute this Amendment pursuant to Resolution No. ID#20-1088, dated September 1, 2020; now, therefore be it

Resolved, By the Common Council of the City of Milwaukee, that the proper City officials are hereby authorized and directed to execute the Amendment to the Water Services Agreement in substantially the same form as the Amendment that has been made part of this file, and to take such further actions as are contemplated and required hereunder and under such Agreement and Amendment, including accepting for the City of Milwaukee conveyance and transfer of the real property interests from Waukesha; and, be it

Further Resolved, That the City's acquisition of the real property interests from Waukesha is hereby authorized by a  $\frac{3}{4}$  vote of the Council per MCO 308-22-2-c.

City Attorney

TDM:

September 8, 2020

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