



**Meeting:** Village Board  
**Meeting Date:** 11/12/2012  
**Agenda Item:** #6c

**Mission Statement**  
Delivering quality services in a courteous,  
cost-effective and efficient manner.

## VILLAGE BOARD MEETING STAFF REPORT

**REPORT TO:** Burt R. McIntyre, President  
Village Board of Trustees

**REPORT FROM:** Geoffrey S. Farr, PE, Director of Public Works

**AGENDA ITEM:** Review and take action on Resolution 2012-21 requesting legislation to amend Wis. Stat. 84.295 to extend the provision of utility relocation reimbursement payments to facilities owned by the Central Brown County Water Authority

### **POLICY ISSUE**

Should the Village Board approve the resolution requesting utility relocation reimbursement for the CBCWA?

### **BACKGROUND INFORMATION**

Municipal utilities are reimbursed for 90% of the cost utility relocations that are required by highway reconstruction projects. The CBCWA is a regional water supply entity comprised of six local municipalities or utilities. Currently state law does not recognize the CBCWA as an eligible utility for reimbursement purposes. The Green Bay Metropolitan Sewerage District is also made up of municipalities and is eligible for utility relocation reimbursement funding. The attached resolution asks that state law be amended to allow the same reimbursement for CBCWA utility relocations. Should the law not be amended, the total cost of the transmission line relocation under STH 29 at CTH FF in 2013 will be borne by utility rate payers. The relocation project in question is currently estimated at \$1.7 million.

### **PRIOR ACTION/REVIEW**

No action or review has been considered previously.

### **FISCAL IMPACT:**

- |                              |                      |
|------------------------------|----------------------|
| 1. Is There A Fiscal Impact? | <u>Yes</u>           |
| 2. Is it Currently Budgeted? | <u>No</u>            |
| 3. If Budgeted, Which Line?  | <u>Water Utility</u> |
| 4. Amount?                   | <u>\$\$\$\$\$</u>    |

**RECOMMENDED ACTION**

Village staff recommends that the Village Board approve the attached resolution.

If the Village Board agrees with this action, the following motion could be used, ***“Motion to approve Resolution 2012-21 requesting legislation to amend Wis. Stat. 84.295 to extend the provision of utility relocation reimbursement payments to facilities owned by the Central Brown County Water Authority.”***

**POLICY ALTERNATIVE(S)**

The Village Board could take the following actions:

- Approve the resolution
- Approve the resolution with modifications
- Deny the resolution and decide how to proceed
- Table the resolution and request additional information

**ATTACHED INFORMATION**

- I. Resolution 2012-21

**COPIES FORWARDED TO:**

- I. None

DRAFT RESOLUTION

**Requesting Legislation to Amend Wis. Stat. § 84.295 to  
Extend the Provision of Utility Relocation Reimbursement Payments to  
Facilities Owned by the Central Brown County Water Authority**

WHEREAS, the communities of Allouez, Bellevue, De Pere, Howard, Lawrence, and Ledgeview have formed a regional entity, known as the Central Brown County Water Authority (CBCWA), to provide water supply to their communities; and

WHEREAS, through the CBCWA, the communities have been able to obtain a lake water source of water to replace the groundwater sources of water that they were previously using but which had deteriorated due to elevated radium levels and dropping water levels; and

WHEREAS, CBCWA delivers water to member communities through a CBCWA owned pipeline, that was built between the years 2005 to 2007, at a cost of over \$100 million; and

WHEREAS, a portion of this pipeline is located in Wisconsin Department of Transportation rights-of-way, in accordance with permissions received from the DOT; and

WHEREAS, at the time permission from the DOT was requested, CBCWA provided location drawings to the DOT, and was not informed of any future DOT plans that would be expected to require future relocation of CBCWA's pipeline; and.

WHEREAS, in July, 2012, DOT informed CBCWA that it planned to reconstruct the intersection of State Trunk Highway 29 and County Trunk Highway FF, and it directed CBCWA to provide a plan for relocating CBCWA's recently installed pipeline; and

WHEREAS, the cost to relocate this portion of the pipeline is anticipated to be over \$1,100,000; and

WHEREAS, water ratepayers in Allouez, Bellevue, De Pere, Howard, Lawrence, and Ledgeview will bear the cost of relocating this pipeline, along with the cost of constructing the original recently installed pipeline, through their water rates; and

WHEREAS, if the pipeline was owned by any of the member communities individually (as opposed to being owned jointly by the CBCWA), Wis. Stat. § 84.295 would authorize the State to pay 90% of the eligible relocation and replacement costs because the state freeway construction was requiring the relocation and replacement of the pipeline; and

WHEREAS, Allouez, Bellevue, De Pere, Howard, Lawrence, and Ledgeview ratepayers should not be placed at a disadvantage, and be required to pay higher water rates, because the pipeline that supplies them with water is owned by a joint governmental entity, as opposed to being owned by an individual town, village, city, or town sanitary district; and

WHEREAS, state law should not provide a disincentive for communities to work cooperatively to provide utility services to residents; and

WHEREAS, the disincentive that currently exists in state law can be eliminated by amending Wis. Stat. § 84.295 to authorize the State to provide utility relocation reimbursement payments for facilities owned by a joint local water authority established under Wis. Stat. § 66.0823;

NOW THEREFORE, BE IT RESOLVED that \_\_\_\_\_ requests that legislation be introduced, passed and signed, to amend Wis. Stat. § 84.295 to authorize the State to provide utility relocation reimbursement payments for facilities owned by a joint local water authority established under Wis. Stat. § 66.0823, so that the relocation of CBCWA's pipeline required because of the reconstruction of the intersection of State Trunk Highway 29 and County Trunk Highway FF will be eligible for reimbursement.