



156 East First Street
New Richmond, WI 54017
Ph 715-246-4268 Fax 715-246-7129
www.newrichmondwi.gov

March 20, 2015

CALL OF MEETING TO THE MEMBERS OF THE COUNCIL OF THE CITY OF NEW RICHMOND

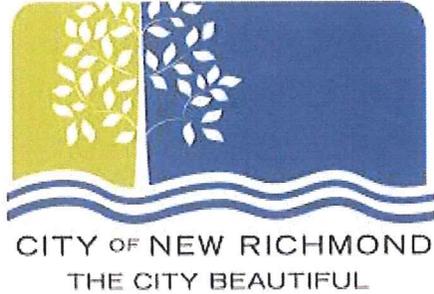
Notice is hereby given that there will be a Special Session of the Council of the City of New Richmond on Monday, March 23, 2015 at 5:00 p.m. in Lower Conference Room #1 of the Civic Center, 156 East First Street, New Richmond, WI 54017.

AGENDA:

- 1. Call to Order**
- 2. Clerk's Roll Call**
- 3. Pledge of Allegiance**
- 4. Adoption of Agenda**
- 5. CIP Project Updates and Interviews**
- 6. Impact Fees**
- 7. Commons/Library Discussion & Next Steps**
- 8. Ordinance #474 – Well Operation Permit**
- 9. Seasonal Help**
- 10. Banner Approval**
- 11. GEN Meeting – March 30, 2015 at 7:00 p.m.**
- 12. Communications and Miscellaneous**
- 13. Adjournment**

Fred Horne, Mayor

**cc: The New Richmond News
Northwest Communications
City Website**



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TO: Mayor and City Council Members

FROM: Jeremiah Wendt, Director of Public Works

DATE: March 18, 2015

Re: CIP Update

Based on the City Council's direction at the March 9, 2015 meeting, City staff has been moving forward with the preliminary work on the projects identified for design in 2015. We have focused on getting documentation from our partners on several projects that they intend to proceed this year, on reviewing cost-saving measures, and on selecting a consultant to design the projects that are being considered.

We have received documentation from the Town of Stanton, Town of Richmond, and Lakeside foods that they intend to partner with us and move forward with the 170th, 175th and High/Pierson Street projects in 2015, respectively. Those items are attached for your reference.

As part of the CIP process, staff has reviewed alternative ways to further reduce costs associated with capital projects. These include:

- Financial road maps for projects
- Grants
- In-house project management or labor
- Debt Reduction related to refinancing

Staff and Sean Lentz from Ehlers will be in attendance on Monday to review these items. The information pertaining to debt reduction for a 2006 bond will also be presented as the Finance Committee was given an update on this issue earlier this month.

We have also developed a Request for Proposals (RFP) that has been sent to SEH and Cedar Corporation, the two consultants identified by the Council to provide street/utility design services. That RFP is attached for your reference. Staff has also met with both consultants to

discuss the projects, and aid them in preparing their proposals. Both consultants will be at the meeting on March 23, and have been asked to provide a 15-minute presentation to support their proposals.

These consultants have already gone through a general interview as part of the City Engineer consulting pool selection process. As such, they have been deemed competent to provide the type of services we are requesting. This presentation should go beyond simply establishing that they can do the work, but should be an opportunity for them to establish why they are the ideal fit for the projects identified. Some key points to consider in the selection process include the following:

- Will this consultant provide the best approach to public engagement/involvement?
- Will this consultant provide innovative ideas beyond just a traditional street/utility design (“value-added”)
- Will this consultant provide opportunities for cost savings or securing grant funding?
- Will this consultant be able to incorporate design enhancements in N 4th Street and other large projects that will set those projects apart?
- Will this consultant provide the best value for the taxpayers of the City?

If the Council is comfortable with making a decision based on the information provided at the meeting, a consultant could be selected at the meeting and could draft contracts for review by City staff and the City Attorney and approval by the City Council on April 13. If additional information is requested, or additional deliberation is required, the item could be tabled until the April 13 meeting.

Assuming a contract is in place by April 13, design work could begin immediately, with City staff working closely with the selected consultant. A more detailed schedule would be created at that point, but the schedule would include plans to finish the 115th/175th, High/Pierson, and possibly the North Starr/Hughes projects in the 2015 construction season.



March 18, 2015

New Richmond City Council
156 East First Street
New Richmond, Wisconsin 54017

Dear Members of the Council,

This letter is to confirm Lakeside Foods Inc's agreement with the City of New Richmond to cost share the improvements to Peirson Street and High Street at the entrance to Lakeside Foods' property.

Accordingly, Lakeside Foods has allocated capital improvement funds in 2015 for this purpose.

I wish to thank you in advance for also making the commitment to this improvement. We look forward to working together on the project.

Sincerely,

Mark Enter
General Manager

Cc Jeremiah Wendt

LAKESIDE FOODS, INC.
660 North 2nd Street
New Richmond, WI 54017
715-243-7367

TOWN OF RICHMOND

March 18, 2015

City of New Richmond
Attn: Jeremiah Wendt
Director of Public Works

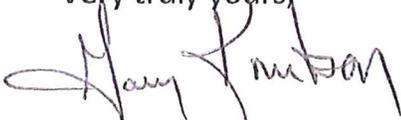
Re: 175th Ave. jointly owned with the City of New Richmond

Jeremiah:

At the Richmond Town Board meeting of March 12, 2015 the 175th Avenue reconstruction project was on the agenda. A motion was made and seconded to proceed with the reconstruction during the summer of 2015 paying 50% of the cost to bring the road up to town standards, but not to exceed \$34,500. The motion carried by a vote of 5 yes votes and 0 no votes.

If you have questions please feel free to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Gary Knutson". The signature is written in a cursive style with a large initial "G".

Gary Knutson
Town Chairman

Jeremiah Wendt

From: Bev Langenback
Sent: Monday, March 16, 2015 2:52 PM
To: Jeremiah Wendt
Subject: FW: 170TH STREET

This was the response from the Town of Stanton

From: Town of Stanton [<mailto:townofstanton@frontiernet.net>]
Sent: Monday, March 16, 2015 2:46 PM
To: Bev Langenback
Subject: RE: 170TH STREET

Bev:

The project will be done in 2015 and we will bill the City of New Richmond 13% of the total cost.

If you have any questions, do not hesitate to contact me.

Sharon
Clerk/Treasurer
Town of Stanton, St. Croix County

From: Bev Langenback [<mailto:blangenback@newrichmondwi.gov>]
Sent: Wednesday, March 04, 2015 2:02 PM
To: Sharon Balcerek
Cc: Jeremiah Wendt
Subject: 170TH STREET

Hi Sharon,

I wanted to touch base with you regarding the 170th Street Improvement project to be completed in 2015.

The City is planning to move forward with this project as part of the Capital Improvement Plan that was presented to the Council at its February 23rd work session.

Please let me know if there is anything else you need from me regarding this project.

Thanks,

Bev Langenback, CMTW

Treasurer
City of New Richmond
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CITY OF NEW RICHMOND
THE CITY BEAUTIFUL

CITY OF NEW RICHMOND

REQUEST FOR PROPOSALS

FOR

**ENGINEERING SERVICES –
2015 and 2016 Street and Utility Improvements**

February 24, 2015

Request for Proposals
2015 and 2016 Street and Utility Improvements
Roadway, Water Main, Sanitary Sewer, and Storm Sewer Preliminary/Final Design

I. Introduction

The City of New Richmond is coordinating several street and utility improvements at various locations throughout the City for 2015 and 2016. The projects will include curb & gutter, sidewalk, storm sewer, stormwater management facilities as required, sanitary sewer, and water main.

Design efforts for all projects will begin in spring of 2015, with construction of several smaller projects also to occur in 2015. Construction of two larger projects will occur in 2016, with the understanding that design will be more complex and time-consuming, and greater community engagement will be required for these projects.

II Scope of Services Required

The consultant is to provide the following general services for each project listed below:

- Meet with City staff to kick-off design and discuss the project approach.
- Perform field topographic survey as needed.
- Perform soil borings as needed.
- Present preliminary design plans to a joint meeting of staff, Utility Commission and Public Works Committee.
- Provide a preliminary list of the quantities and opinion of probable costs for the City of New Richmond.
- Coordinate with staff to facilitate community engagement including meetings with affected residents, and presentation of preliminary design.
- Revise plans based on feedback from staff and city officials after preliminary review.
- Submit final plans and specifications to the City of New Richmond for review and approval.
- Furnish a 24" x 36" construction plan set; sufficient 11" x 17" bound construction plan sets for bidding each project, a CAD file containing the plans and as-builts.
- Furnish an electronic copy of the project estimate in Microsoft Excel format.
- Prepare and submit all required permits to appropriate governmental agencies.
- Prepare all bidding documents and perform the project bidding, including the preparation of bid tabulations, and a recommendation of the winning bidder to the New Richmond City Council.
- The City of New Richmond reserves the right to perform construction services on the projects. The consultant is to provide an estimated cost for construction inspection services, construction surveying, and construction management using an estimated breakdown of personnel usage per task.

III. Projects Included

The City has identified the following projects for inclusion in this proposal. The scope of services should be structured such that one or more of these projects can be removed from the scope at the City's option. The consultant should also consider any efficiencies that might be gained by packaging certain projects and bidding them together.

- 115th Street Reconstruction (Design/Construct in 2015)
- 175th Street Reconstruction (Design/Construct in 2015)
- High Street/Pierson Reconstruction (Design/Construct in 2015)
- North Starr/Hughes Street and Utilities (Design in 2015, Construct in late 2015 or early 2016)
- North 4th Street and Utilities (Design in 2015, Construct in 2016)
- Paperjack Drive Street and Utilities (Design in 2015, Construct in 2016)
- River/Fairfield Street and Utilities (Design in 2015, Construct in 2016)
- 125th Avenue Reconstruction (Design in 2015, Construct in 2016)

Preliminary quantity estimates for each of these projects are attached to this RFP to aid the consultant in developing their estimated fee.

IV. Proposal Submittal

The proposal shall include the following components:

- An estimated cost for preliminary and final design services using an estimated breakdown of personnel usage per task. The proposed fee structure shall be hourly with a not-to-exceed limit.
- An estimated cost for construction inspection services, construction surveying, and construction management using an estimated breakdown of personnel usage per task. This breakdown should be provided with the understanding that the City may elect to have portions of this work removed from the consultant's scope.
- A fee schedule or hourly billing schedule for time and materials.
- A brief summary of the project team and their relevant experience.
- An abbreviated proposed schedule/work plan identifying key milestones including project kick-off, approximate bid dates for each project, and an estimate of the time required for construction completion.
- A summary of the consultant's approach to public engagement/communication, as it applies to the projects that will have significant neighborhood impacts (North 4th, Paperjack, etc).
- A summary of the consultant's ideas for innovation/cost savings on the projects identified. Cost saving ideas may include grants, ways in which City forces could complete a portion of the work.
- Examples of enhancements that could be incorporated into larger projects (such as N 4th Street). Enhancements may include multi-modal or bike/pedestrian improvements, aesthetic improvements, etc.
- The consultant should clarify or qualify any elements of their proposal, assumptions made, or specific issues that they feel make them a unique fit for these projects.

- A copy of the consultant’s licenses/bonds/insurance information.
- Three references for municipalities where the consultant has performed similar work.
- The length of the proposal should not exceed 10 pages (double-sided).

V. Presentation

The consultant will be asked to provide a 15-minute presentation to the Common Council of the City of New Richmond outlining the key points of their proposal. This presentation should focus on the following:

- Approach to public engagement/involvement.
- Innovation/Cost Saving Ideas.
- Examples of design enhancements/concepts for incorporation into the N 4th Street project and other larger projects.

VI. Time Requirements

The following is a list of key dates up to and including the date proposals are to be submitted:

- | | |
|--|-------------------------|
| • Request for proposal issued | March 6, 2015 |
| • Due date for proposals | March 20, 2015 12:00 pm |
| • Presentations to Common Council | March 23, 2015 5:00 pm |
| • Selected firm notified (anticipated) | March 24, 2015 |
| • Contract date (anticipated) | April 13, 2015 |

Firms should send 10 copies labeled proposals “Engineering Services – 2015 and 2016 Street and Utility Improvements” to the following address:

Jeremiah Wendt, PE
 Director of Public Works
 City of New Richmond
 156 E. First Street
 New Richmond, WI 54017

VII. Evaluation Procedures

Proposals submitted will be evaluated by City Staff and the Common Council of the City of New Richmond. Restrictions on data usage must be clearly stated. Non-disclosure cannot be guaranteed after the selection stage due to public records laws.

All complete proposals submitted will be reviewed. The following represent the principal selection criteria, which will be considered during the evaluation process.

- Project Team Qualifications
- Project Understanding / Approach
- Project References and Past Projects
- Proposed Schedule of Compensation

The City of New Richmond will only accept written questions addressed, or emailed, to the above contact concerning this project, and will provide both the questions and answers via email to all firms proposing on the project.

VIII. Available Resources

The City of New Richmond will furnish the following:

- Relevant As-Builts of existing utilities.
- Conceptual Layout.
- Aerial photograph print out.
- Water pressure readings at relative locations for the project.
- A copy of the existing water distribution, wastewater, and storm water collection system schematics in the immediate area.
- Fees for permits.
- Fees for soil borings, if required.
- Fees for bid advertisements.
-

IX. Right to Reject Proposals

By responding to this RFP an individual respondent accepts the process outlined in this RFP and fully acknowledges that the final determination of the City of New Richmond is binding-and-without appeal.

The City Council reserves the right to waive any irregularities and to select the proposal it considers in its sole discretion to be in the best interests of the city. The City also reserves the right to reject any or all proposals, without prejudice and also the right to request further information from any and all firms submitting proposals. Further, the City of New Richmond will enter into discussions with the firm deemed most suited to perform the project. The final scope may be adjusted from the proposal dependent upon needs and resource availability. If negotiations cannot reach a mutually beneficial conclusion, the City reserves the right to end these discussions and approach the next highest considered firm in order to best serve the interests of the City and its residents. The contract shall then be awarded to the firm whose proposal is determined to be most advantageous to the City. All proposals shall be considered public record upon award of the contract.

All respondents accept this process in submitting a proposal.



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TO: Mayor Horne and City Council Members

FROM: Beth Thompson, Community Development Director
Mike Darrow, City Administrator/Utility Manager

DATE: March 18, 2015

RE: Impact Fees for the City of New Richmond

Background

The City of New Richmond has been collecting Impact Fees since mid-2002. The Impact Fees and Special Charges that we currently collect are:

Sewer Availability Charges (SAC)	Sewer Interceptor Fees
Water Impact Fees	Park Impact Fees
Transportation Impact Fees	Library Impact Fees
Police Impact Fees	

Impact Fees are collected at the time of building permit. The City has made several changes to how these fees are collected, to the ordinance, and has suspended and/or waived these fees several times.

Over the past two to three years, we have been meeting with businesses, developers and stakeholders in our community to discuss economic development opportunities, satisfaction with City resources and services, and business retention. A common concern identified was the overall complexity of the City's Impact Fee structure and current rates. Developers have stated they have been building more in surrounding communities as their Impact Fees are lower.

Although Impact Fees are regulated by State Statute, municipalities have the authority to design their Impact Fee structure and rates per City ordinance. In 2014, City staff began the process of analyzing our current Impact Fees Structure. Following are the steps we have taken to date:

History of our fees dating back to 2002	Surveyed surrounding communities
Compiled numerous rate comparisons	Reviewed State Statutes
Reviewed current City Ordinances	Received advice & process memo from our Attorney

The results of our findings indicated the City is one of the highest, in the area, in regards to Impact Fees. The City has developed a subcommittee consisting of a Council member, two members of the Economic Development Commission, the City Administrator and the Community Development Director. This subcommittee met several times and vetted a number of ideas for improving our Impact Fee structure along with a new fee rate. The subcommittee hired a consultant to assist in the required Needs Assessment and in calculating some options for Impact Fees. The following are options that were considered by the subcommittee:

Option 1	-	Use a REU (Residential Equivalent Unit) system
Option 2	-	Use a percentage of construction cost
Option 3	-	Use what we currently have

Option 1 - REU Proposal

Size of Meter	REU Calcs	2015
3/4" or 5/8"	1	\$3,600
1"	2.5	\$9,000
1.25"	4	\$14,400
1.5"	5	\$18,000
2"	8	\$28,800
3"	15	\$54,000
4"	25	\$90,000
6"	50	\$180,000
8" or larger	80	\$288,000

REU Breakdown of Impact Fees to City/Utility Accounts

	Current City Impact Fee Per Residential Home	Proposed REU 2015	Proposed REU 2016	Proposed REU 2017
Municipal Facilities	\$430	\$600	\$667	\$734
Transportation	\$425	\$900	\$1,000	\$1,100
SAC	\$3,250	\$800	\$889	\$978
Water Facilities	\$2,310	\$800	\$889	\$978
Park Facilities	\$475	\$500	\$555	\$610
Total	\$6,890	\$3,600	\$4,000	\$4,400

Option 2 - Percentage Proposal

Cost of construction	%	2015 Range Of Fees
\$200,000 – \$499,000	1.8	\$3,600 – \$8,982
\$500,000 – \$999,000	2.0	\$10,000 – \$19,980
\$1,000,000 – \$1,999,000	2.4	\$24,000 – \$47,976
\$2,000,000- \$3,999,000	2.6	\$52,000 – \$103,974
\$4,000,000 – \$10,000,000	2.8	\$112,000 – \$280,000

**Percentage Breakdown of Impact Fees to City/Utility Accounts
(Based on \$200,000 Construction Cost)**

	Current City Impact Fee Per Residential Home	Proposed % 2015	Proposed % 2016	Proposed % 2017
Municipal Facilities	\$430	\$612	\$688	\$750
Transportation	\$425	\$900	\$1,013	\$1,103
SAC	\$3,250	\$792	\$891	\$970
Water Facilities	\$2,310	\$792	\$891	\$970
Park Facilities	\$475	\$504	\$567	\$617
Total	\$6,890	\$3,600	\$4,050	\$4,410

Option 3

Use current structure – The current structure the City uses for Impact Fees is based on a document from the Met Council. This process involves separate calculations for each impact fee and the residential home Impact Fee starts at \$6,890.

The subcommittee and staff have reviewed these options thoroughly and have listed some pros and cons below:

OPTION 1 – REU Proposal	
<u>PROS</u>	<u>CONS</u>
<ol style="list-style-type: none"> 1.Ease of use for developers/builders 2.Ease of use for City staff 3. Can post to website for anyone to access and understand 4.Fees are competitive with area communities 5.Great for marketing the City 	<ol style="list-style-type: none"> 1.The Fees are fairly high for a large industrial or commercial water users

OPTION 2 – Percentage Proposal	
<u>PROS</u>	<u>CONS</u>
<ol style="list-style-type: none"> 1.Ease of use for developers/builders 2.Ease of use for City staff 3.Can post to website for anyone to access and understand 4.Fees are competitive with area communities for residential use and most commercial users 5.Great for marketing the City 	<ol style="list-style-type: none"> 1.Assume people will be honest about construction costs 2.Each project would be a different fee 3.We could have a high water user with a low construction cost but the impact on water/wastewater could be greater 4.Fee is not based on water / sewer usage

OPTION 3 – Current Structure	
<u>PROS</u>	<u>CONS</u>
	<ol style="list-style-type: none"> 1.Very confusing for developers/builders 2.Not able to post on website due to the complexity 3.Staff time is costly to the taxpayer 4.Fees are not competitive with area communities

The subcommittee and staff are proposing a three year plan for collecting impact fees, using Option 1 as shown above. This will then be reviewed and analyzed on a yearly basis.

Recommendation

The above information was presented to the subcommittee and the Economic Development Commission. The subcommittee's recommendation to the City Council is to approve Option 1– using the REU system for a three year period as shown above. The Economic Development Commission made a motion to recommend to the City Council approval of Option 1 for a three year period.

Next Steps

1. Approve the framework of Option 1 and give City staff the authority to complete the Needs Assessment
2. Publication of the Public Hearing Notice
3. Public Hearing at the City Council meeting on April 13
4. Possible approval of Needs Assessment on April 13
5. Possible approval of Implementation of Impact Fees
6. April/May/June Marketing of new Fee Structure



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TO: Mayor and City Council Members

FROM: Jeremiah Wendt, Director of Public Works

DATE: March 18, 2015

Re: Ordinance #474 – Well Abandonment and Well Operation Permit

City Ordinance

As discussed at the March 9, 2015 City Council Meeting, the Wisconsin DNR requires municipalities, including the City of New Richmond, to regulate private wells within their water service area. This regulation is intended to prevent contamination of the groundwater supply that the City relies on for its drinking water, as well as to prevent direct contamination of the drinking water distribution system.

The City of New Richmond currently has Ordinance 86-135 (attached), which establishes this regulation, but the DNR is requiring changes to the ordinance to include more details on this program. These changes must be implemented by March 30, 2015. Staff has developed a proposed ordinance that would replace the current ordinance in its entirety, based on the model ordinance developed by the DNR. The attached proposed ordinance #474 has been modified from the version presented on March 9, 2015, to remove a typographical error.

The proposed ordinance would not greatly impact the way that the City regulates private wells, as we currently require them to be permitted every five years. The ordinance would bring us into conformance with state regulations, and the proposed permit application form would streamline the permit process.

As for the township considerations discussed below, Staff and the City attorney do not feel that the issues related to water service to township residents should delay the City's action in maintaining compliance with state regulations. As such, we are recommending that the Council adopt the proposed Ordinance #474.

Township Considerations

There was discussion at the March 9 meeting about the applicability to residents of Richmond Township and Star Prairie Township who are served by City water, but also maintain a private well (typically for irrigation purposes). As mentioned at that meeting, the DNR is requiring us to permit those wells also because they pose similar risks to the municipal water supply as private wells within the City.

Town of Star Prairie

Based on the February 22, 2012 Water Service Agreement between the Town of Star Prairie and the City of New Richmond (attached – this was approved as part of the City of New Richmond/Town of Star Prairie Cooperative Plan), the Town of Star Prairie agreed to adopt a cross connection ordinance consistent with the City's cross connection ordinance. City Staff and the City Attorney drafted a letter to the Town of Star Prairie with the revised cross connection and private well ordinances, requesting that the Town adopt something similar, pursuant to that agreement as both of these ordinances relate to the potential for cross connections to the City water system.

Staff has discussed the proposed ordinances with the Town Chairman, and he has proposed that the items be on the agenda for the next Town Board meeting. They may request that City staff be present to answer any questions that would come up during that meeting.

Town of Richmond

There are three residents in the "Green Acres" development on 172nd Avenue in the Town of Richmond that maintain private wells, though they are connected to City water. Staff has located the agreement that was originally signed by the City, Township and residents when the water service was extended (attached). The agreement does not include any language that requires compliance with the City's ordinances related to water service, but does include a provision that the subdivision would be annexed to the City when it becomes contiguous with the City on two sides.

Staff would request direction from the Council with how to proceed based on the language in this agreement, but at a minimum we would recommend that the Town of Richmond adopt ordinances similar to the City's cross-connection and private well ordinances. This will afford protection to all users of the City's water supply.

Staff has drafted a letter to the Town of Richmond with the revised cross connection and private well ordinances, requesting that the Town adopt something similar, in the interest of protecting the water supply that serves residents of both the City and the Town.

Staff has discussed the proposed ordinances with the Town Chairman, and he has proposed that the items be on the agenda for the next Town Board meeting. They may request that City staff be present to answer any questions that would come up during that meeting.

Sec. 86-135. - Private well abandonment.

- (a) *Purpose.* The purpose of this section is to prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or noncomplying wells, or wells which may serve as conduits for contamination, or wells which may be illegally cross-connected to the municipal water system, are properly abandoned.
- (b) *Applicability.*
- (1) All wells within the corporate limits of the City of New Richmond which are in unusable condition, unsafe or which do not comply with Wis. Admin. Code, Chapter NR 812, or which may serve as conduits for groundwater contamination, shall be abandoned in accordance with this section by December 31, 1990, (or within one year after connection to the municipal system becomes available) unless a well operation permit has been granted pursuant to Subsection (c) below.
 - (2) Premises where municipal water service is not available are exempt from this section.
 - (3) Where feasible, noncomplying wells and pump installations may be upgraded to comply with Wis. Admin. Code, Chapter NR 812. A private well may be temporarily abandoned under provisions of [Wis. Admin. Code] Chapter NR 812. A well constructed for potable use may not be considered a nonpotable well to avoid the applicability of this section.
 - (4) If water from a private well is known to produce water which exceeds a Department of Natural Resources (DNR) health advisory, a primary standard in [Wis. Admin. Code] Chapter NR 809 or an enforcement standard in Wis. Admin. Code, Chapter NR 140, a well operation permit shall not be issued without approval of the Department of Natural Resources.
 - (5) All illegal cross connection exists where a private well is connected to a plumbing system which is also connected to the municipal system. Wis. Admin. Code, Chapters COMM 82 and NR 811, prohibit such connections.
- (c) *Well operation permits.* A permit may be granted to a well owner to operate a private well for a period not to exceed five years. At the end of a permit period, the well owner may apply for a renewal of a permit upon submittal of updated information necessary for a permit application. The City of New Richmond may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit. Permit applications shall be made on forms provided by the Clerk-Treasurer. The following requirements must be met before a well operation permit is issued:
- (1) The well has a functional pumping system and its use can be justified in addition to water provided by the public water system.
 - (2) The well has a history of producing bacteriological safe water and presently produces bacteriological safe water as demonstrated by providing a copy of the results of a water sample analyzed at a state certified laboratory within three months preceding the request for well operation permit or permit renewal.
 - (3) The well and pump installation meets the requirements of Wis. Admin. Code, Chapter NR 812, as certified by a Department of Natural Resources licensed well driller or pump installer or by Department of Natural Resources staff evaluation.
 - (4) No physical connection exists between the piping of the public water system and the private well.
 - (5) A fee of \$25.00 is paid to the City of New Richmond for processing a permit.

- (d) *Abandonment methods.* Wells shall be abandoned according to the procedures outlined in Wis. Adm. Code, Chapter NR 812. The pump and piping must be removed and the well checked for obstructions prior to abandonment. Any obstruction or liner must be removed, if possible. Filling with unapproved materials or use of unacceptable procedures is prohibited.
- (e) *Report and inspection.* An Abandonment Report Form, Department of Natural Resources No. 3300-005, is available at the Clerk-Treasurer's office and must be submitted to the Clerk-Treasurer within ten days of abandonment completion. Forty-eight-hour advanced notice of well abandonment work must be provided to the Clerk-Treasurer so the filling may be observed by a representative of a municipality. The Clerk-Treasurer shall send a copy of Form 3300-005 to the appropriate Department of Natural Resources district office within ten days of receipt of the completed form.
- (f) *Penalties.* A person, firm or other well owner violating any provision of this section shall, upon conviction, be punished by forfeiture as prescribed in Section 1-7, together with the cost of prosecution. Each day during which a violation exists shall be deemed and constitute a separate offense. If any person fails to comply with this section for more than ten days after notice in writing, the City may impose a penalty or may cause the abandonment to be done and the expense thereof shall be assessed as a special tax against the property.

(Ord. of 2-11-2008; Ord. No. 406, 7-13-2009)

ORDINANCE #474

WELL ABANDONMENT AND WELL OPERATION PERMIT ORDINANCE

SECTION 1: PURPOSE

To protect public health, safety and welfare and to prevent contamination of groundwater by assuring that unused, unsafe or noncomplying wells or wells which may act as conduits for contamination of groundwater or wells which may be illegally cross-connected to the municipal water system, are properly maintained or abandoned.

SECTION 2: APPLICABILITY

This Ordinance applies to all wells located on premises served by the City municipal water system. Utility customers outside the jurisdiction of the City's jurisdiction may be required under contract agreement or utility rule to adopt and enforce equivalent ordinances within their jurisdictions for purpose stated in Section 1 above.

SECTION 3: DEFINITIONS

- A. "Department of Natural Resources" means the Wisconsin Department of Natural Resources.
- B. "Municipal water system" means a community water system owned by the City.
- C. "Noncomplying" means a well or pump installation that does not comply with Section NR 812.42 of the Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to Section NR 812.43 of the Wisconsin Administrative Code.
- D. "Pump installation" means the pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.
- E. "Unsafe" well or pump installation means one which produces water which is bacteriologically contaminated or contaminated with substances which exceed the drinking water standards of Chapter NR 140 or 809 of the Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.
- F. "Unused" well or pump installation means one which is not used or does not have a functional pumping system.
- G. "Well" means a drillhole or other excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface constructed for the purpose of obtaining groundwater.
- H. "Well Abandonment" means the proper filling and sealing of a well according to the provisions of Section NR 812.26 of the Wisconsin Administrative Code.

SECTION 4: ABANDONMENT REQUIRED

All wells on premises served by the municipal water system shall be properly abandoned in accordance with Section 6 of this ordinance by the later of (i) December 31, 2015 and (ii) than 90 days after the date of connection to the municipal water system, unless a valid well operation permit has been issued to the well owner by the City under terms of Section 5 of this ordinance.

SECTION 5: WELL OPERATION PERMIT

Owners of wells on premises served by the municipal water system wishing to retain their wells for any use shall make application for a well operation permit for each well no later than the earlier of (i) 90 days after connection to the municipal water system and (ii) 90 days after the effective date of this ordinance. The City may grant a permit to a well owner to operate a well for a period not to exceed 5 years if all conditions of this section are met. The City may renew an existing permit for successive terms not to exceed 5 years if an owner submits a well permit renewal application verifying that the conditions of this section are met. The City or its agent, may conduct inspections and water quality tests or require inspections and water quality tests to be conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Clerk. All initial and renewal applications must be accompanied by a fee of \$25.00.

The following conditions must be met for issuance or renewal of a well operation permit:

- (1) The well and pump installation shall be evaluated by a licensed well driller or pump installer and certified to meet the Standards for Existing Installations described in Section NR 812.42 of the Wisconsin Administrative Code. This evaluation shall occur prior to the City issuing the permit and no less frequently than every ten (10) years thereafter.
- (2) The well and pump shall have a history of producing safe water evidenced, at a minimum, by at least 1 coliform bacteria sample. In areas where the Department of Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water.
- (3) There shall be no cross-connections between the well's pump installation or distribution piping and the municipal water system.
- (4) The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.
- (5) The private well shall have a functional pumping system.
- (6) The proposed use of the private well shall be reasonably necessary and shall complement the water service provided by the municipal water system.

SECTION 6: ABANDONMENT PROCEDURES

- (1) All wells required to be abandoned under this ordinance shall be abandoned according to the procedures and methods of Section NR 812.26 of the Wisconsin Administrative Code. All debris, pumps, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
- (2) The owner of the well, or the owner's agent shall be required to obtain a well abandonment permit prior to any well abandonment and shall notify the City Clerk at least 48 hours in advance of any well abandonment activities. If required by the City, the abandonment of the well may be observed or verified by personnel of the municipal system.
- (3) An abandonment report, on the form supplied by the Department of Natural Resources, shall be submitted by the well owner to the City Clerk and the Department of Natural Resources within 30 days of the completion of the well abandonment.

SECTION 7: PENALTIES

Any well owner violating any provision of this ordinance shall upon conviction be punished by forfeiture as prescribed in Section 1-7 of the New Richmond Municipal and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this ordinance for more than 30 days after receiving written notice of the violation, the municipality may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

Passed and approved: March 23, 2015
Published and Effective: April 2, 2015

Fred Horne, Mayor

ATTEST:

Tanya Reigel, City Clerk

EXHIBIT E

**WATER SERVICE AGREEMENT BETWEEN THE
TOWN OF STAR PRAIRIE AND THE
CITY OF NEW RICHMOND
(2/22/12)**

WHEREAS, the Town of Star Prairie ("Town") and the City of New Richmond ("City") are authorized to enter into cooperative agreements pursuant to Wisconsin Statute Section 66.0301; and

WHEREAS, Wisconsin Statute Section 66.0813 specifically authorizes provision of utility services by a municipal utility outside of that municipality's boundaries, and further provides that the municipality may fix the limits of utility service outside its municipality's boundaries; and

WHEREAS, the City and the Town, together with other municipal and corporate entities (collectively the "Settling PRP's"), are involved in the process of remediation and monitoring of a former landfill operated by several towns and the City; and,

WHEREAS, a separate agreement has been reached between the Wisconsin Department of Natural Resources and the Settling PRP's which addresses the remediation obligations; and

WHEREAS, in conjunction with said landfill remediation process, the Settling PRP's have agreed to provide municipal water supply to existing residences and two additional potential residences of the Town residents listed on Exhibit "A" to this Agreement (the "Affected Town Residents") who are the beneficiaries of the agreement with the Department of Natural Resources; and

WHEREAS, the City has agreed to allow the extension of City water service from the City to provide the required replacement water supply for the Affected Town

Residents notwithstanding the fact that the these properties lie outside of the City limits;
and,

WHEREAS, the Settling PRP's have agreed to pay the cost of extending City water to the Affected Town Residents which cost includes the cost of water mains, laterals, and connection fees;

THEREFORE, in consideration of the mutual covenants contained herein, and under authority of the cited Wisconsin Statutes, the City and Town (hereinafter jointly referred to as the "Parties") agree as follows:

1. Purpose. The Parties enter into this Agreement for the purpose of clarifying the terms under which the City (a) furnishes water from its water utility to Affected Town Residents, and (b) will respond to Town requests to provide City water to other buildings and properties located in the area shown on Exhibit B.

2. Limits on Area of Service. The Parties agree the City shall furnish municipal water supply service to the existing residences and two additional potential residences of the Affected Town Residents listed on Exhibit A. The City may consider requests to provided municipal water service to other buildings and properties, however the City has no obligation to provide water service to any of these other buildings and properties.

3. Facilities – Ownership, Operation and Maintenance.

a. Except as provided in subpar. 3.b., water mains, fire hydrants and all appurtenances installed to provide City water supply service to the Affected Town Residents shall be owned, operated and maintained by the City of New Richmond Utilities (hereafter "Utility").

b. Water service laterals from the point of the shut off valves just off the water mains, excluding the shut off valves to the individual customers' structures or facilities, shall be owned, operated and maintained by such customers at their expense. Such operation and maintenance shall be subject to supervision and control by the City in order to protect and safeguard the performance and integrity of the Utility's water distribution system.

c. Water meters located at customers' facilities are owned, operated and maintained by the Utility.

d. All water within the Utility's water distribution system is owned by the City and sold directly to Utility customers.

e. Nothing contained in this Agreement is intended to alter the responsibilities for ownership, operation, maintenance, construction and repair of the Utility's water facilities. It is understood and acknowledged that all Utility water facilities are owned, operated and maintained by the Utility.

4. Personnel. The City agrees that the Utility shall employ sufficient personnel required to operate and maintain the facilities necessary to provide water service to Utility customers.

5. Costs.

a. Initial Costs for Infrastructure. As members of the Settling PRP's, the City and the Town acknowledge that each is partially responsible for initial costs associated with the construction of the infrastructure necessary to provide City water to the Affected Town Residents ("initial costs"). The City and Town agree that they have

no claim to reimbursement from each other or any Affected Town Residents of any "initial costs".

b. Water Use Costs. The City and Town acknowledge that the Settling PRP's have agreed to pay for the cost of City water supplied to Affected Town Residents for periods of two or five years, depending on individual circumstances of those residents, commencing on the date of commencement of operation of each residence. The Affected Town Residents and the time period for which water service will be paid for each Affected Town Resident are listed in the attached Exhibit "A". City acknowledges and agrees that it has no right or claim to seek reimbursement of the cost of its water supplied to the Affected Town Residents listed on Exhibit "A" for the time periods specified from those residents; nor does the City have any right or claim to seek reimbursement of that cost from the Town, except to the extent that the Town has agreed to pay its agreed upon share of those costs as a Settling PRP. Once each time period identified in Exhibit "A" has run, as it has for the Affected Town Residents receiving water service for two years, the Affected Town Residents listed therein will be responsible for the cost of City water supplied to them, and the City shall bill those residents directly and be responsible for collection of those costs. City agrees that Affected Town Residents will be billed at the same rate and on the same terms as from time to time are authorized by the Public Service Commission of Wisconsin for Utility customers. In the event that property owners in the Town who receive water services from the City fail or refuse to pay for those services, the Town agrees, on an annual basis pursuant to Section 66.0707(2), Wis. Stats., to pass a resolution approving the imposition of a special charge against any such properties upon request of and by the City. Any such

special charge will be on the same terms and conditions as are imposed against similarly situated properties in the City. In the alternative, the Town shall agree to place delinquent balances on the non-paying resident's real estate taxes and maintain them as a lien until paid. The Town shall remit delinquent water utility charges collected from Affected Town Residents to the Utility within fifteen (15) days of collection.

6. Requests for Additional Water Extensions.

a. The Town may, from time to time, ask the City to provide municipal water supply service to additional buildings or properties within the area shown on Exhibit B that are not receiving service pursuant to Par. 2. The City shall consider such request provided the requirements of Paragraph 6.b. and c. are met. Although the City has no obligation to provide water service to these buildings or properties located within the area shown on Exhibit B, a Town request will not be unreasonably denied if the requirements of Paragraph 6.b. and c. are met.

b. If the Town requests that the City extends municipal water supply to one or more buildings or properties within the area shown on Exhibit B that are not receiving service pursuant to Par. 2, the Town shall identify how the water supply facilities needed to extend service to the buildings or properties will be provided at no cost to the City. The Parties acknowledge the City's present policy of having the cost of construction of water mains, fire hydrants and customer service lines borne by land developers and property owners directly benefited thereby, through subdivision and other City ordinances and policies, assessments, contributions in aid of construction, and other means. The Town shall also agree to pay the City a connection charge for each building or property connected to the City's water system in accordance with this Par. 6. The

Parties recognize and acknowledge that the City has no obligation to provide water service to Town residents beyond that provided pursuant to Par. 2 of this Agreement, and that without the Town's payment of the connection fee, the City would not provide such service. The amount of the connection charge shall not exceed the amount of similar fees the City charges to each new connection to the City's water system within the City.

c. The location, type, specifications and site plan for any future Utility infrastructure or equipment for municipal water service to be located within the Town shall be subject to prior approval of the Utility, the City and the Town. City agrees to provide the Town Board with the plans, specifications and site plan of any such future infrastructure or equipment to the Town for its review and approval.

d. Town residents connected to the City's water system in accordance with this Par. 6 will be responsible for the cost of City water supplied to them, and the City shall bill those residents directly and be responsible for collection of those costs. City agrees that connected Town residents will be billed at the same rate and on the same terms as from time to time are authorized by the Public Service Commission of Wisconsin for Utility customers. In the event that property owners in the Town who receive water services from the City fail or refuse to pay for those services, the Town agrees, on an annual basis pursuant to Section 66.0707(2), Wis. Stats., to pass a resolution approving the imposition of a special charge against any such properties upon request of and by the City. Any such special charge will be on the same terms and conditions as are imposed against similarly situated properties in the City. In the alternative, the Town shall agree to place delinquent balances on the non-paying resident's real estate taxes and maintain them as a lien until paid. The Town shall remit

delinquent water utility charges collected from connected Town residents to the Utility within fifteen (15) days of collection.

e. The Town shall adopt an ordinance, pursuant to Section 281.45, Wis. Stats., requiring a property owner with property within the area shown on Exhibit B that requires a new or replacement water supply to seek connection to the City water system if the City's existing water system is located within 500 feet of the building requiring water service. The connection request shall be made and considered as set forth in this Par. 6. If the City refuses the connection request, the property owner may pursue installation of a private well.

f. Nothing in this Water Service Agreement, including in this Par. 6, affects, limits or waives the application or enforceability of the City's extraterritorial zoning ordinance.

7. Utility Management and Meetings. It is expressly understood that the management and operation of the Utility and its facilities shall continue to be the responsibility of the Utility. The Town shall designate one or more individuals to serve as liaison with the Utility. Such Town liaison(s) shall be entitled to attend and be heard at Utility meetings but shall have no voting rights. Notices of all Utility meetings shall be sent to the Town clerk and to the individual designated by the Town as its primary liaison. The Town shall be responsible for providing City with the name and address of its primary liaison.

8. Notices. Any notice or other information required to be provided of any Party to this Agreement shall be deemed given if sent by certified mail to:

To the Town:

Town Clerk
Town of Star Prairie
2118 Cook Drive
Somerset, Wisconsin 54025

To the City:

City Clerk
City of New Richmond
156 East 1st Street
New Richmond, Wisconsin 54019

Notices of meetings provided in accordance with par. 8 need not be provided by certified mail.

9. Amendments. This Agreement may be amended at any time by a written instrument executed by all Parties to it.

10. Severability. The provisions of this Agreement, and the individual parts of each such provision, shall be severable. In the event that any provision of this Agreement, or any part thereof, is held by a court of competent jurisdiction to be invalid or ineffective, the balance of this Agreement shall remain in effect. In such event, the Parties shall promptly meet to discuss how the intent of any severed provision(s) of this Agreement may be implemented by alternative means.

11. Interpretation. This Agreement shall be interpreted under the laws of the State of Wisconsin and as though jointly drafted by the Parties to it.

12. Cross Connections. The Town agrees to adopt a cross connection ordinance, pursuant to NR 810.15, Wis. Admin. Code, that is consistent with the City's cross connection ordinance, and that provides the City with the same authority to inspect and take action regarding cross connections at properties of connected Town residents, as the City has with respect to properties of Utility customers within the City.

DATED this _____ day of _____, 2012.

CITY OF NEW RICHMOND

TOWN OF STAR PRAIRIE

Fred Horne, Mayor

Doug Rivard, Town Chairman

Michael P. Darrow, City Administrator

Scott Counter, Chairman
Town of Star Prairie
2118 Cook Drive
Somerset, WI 54025

March 17, 2015

Dear Scott:

The City of New Richmond has been contacted by the Wisconsin Department of Natural Resources (DNR) and required to update our ordinances that relate to cross-connection control and the regulation of private wells on properties served with City water. The City Council has adopted the attached Ordinance #473 – Cross Connection Control and Backflow Prevention, and will be considering the attached Ordinance #474 – Private Well Abandonment and Well Operation at the March 23, 2015 City Council Meeting.

As part of the Water Service Agreement between the Town of Star Prairie and the City of New Richmond dated February 22, 2012, the Town agreed to adopt an ordinance consistent with the City's cross connection ordinance. As such, the City is requesting that the Town pass ordinances consistent with those attached for the purpose of protecting the water supply that serves both our residents and yours.

If you have questions, or would like to discuss these ordinances further, please feel free to contact me.

Regards,

Jeremiah J. Wendt, PE

Director of Public Works

RESOLUTION

THE COMMON COUNCIL OF THE CITY OF NEW RICHMOND HEREBY RESOLVE AS FOLLOWS:

The City of New Richmond will allow hook-up to the planned interceptor sewer and water main, only to those residences abutting Coleman Drive at the Green Acres Addition and those abutting the planned interceptor sewer and water main along 125th Street (Dry Run Road), in Richmond Township, under the following conditions:

1) Water and sewer will be stubbed to the property line of residences located in the description above. At the time of construction, residences may request water and sewer hook-up. The owner will be billed a hook-up charge based on front yard footage. The charge will be \$20.00 (twenty) dollars per lineal foot, not to exceed \$4000 per hook-up. The total cost can be paid immediately or paid over a 10 (ten) year period with interest. The interest will be a 1/2% more than the City rate to borrow. The hook-up charge will remain the same irregardless of when the hook-up is requested.

2) If hook-up is not requested at time of construction, hook-up may occur when the private system fails. No new wells or septic systems or expansion of existing systems will be installed.

3) Residents agree to annex when two sides of the Green Acres Addition becomes contiguous to the New Richmond city limits. The City will not pursue or request connection in regards to the DIHLR regulations requiring compulsory connection.

4) This agreement is contingent upon City Council approval, Township of Richmond approval and approval from the residences of Green Acres.

Kenneth J. Emmons
Mayor, City of New Richmond

date March 10, 1988

Resident date _____

Resident date _____

Resident date _____

Warren L. Bader
Chairman, Richmond Township

date 2/25/88

Resident date _____

Resident date _____

RESOLUTION

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4) This agreement is contingent upon City Council approval, Township of Richmond approval and approval from the residences of Green Acres.

Phil Altmeyer 2-25-88
Resident date

Don Kardoff
Resident date 2-25-88

James E. Foley 2-1
Resident date 2-25-88

James D. Jones
Resident date 2-25-88

David E. Nelson
Resident date 2-28-88

RESOLUTION

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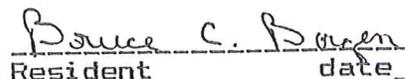
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Resident _____ date 2-25-87


Resident _____ date 2-25-88


Resident _____ date 2/25/88


Resident _____ date 2-25-88


Resident _____ date 2-25-88

RESOLUTION

THE COMMON COUNCIL OF THE CITY OF NEW RICHMOND HEREBY RESOLVE AS FOLLOWS:

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4) This agreement is contingent upon City Council approval, Township of Richmond approval and approval from the residences of Green Acres.

Kevin Coleman
Resident date 2-25-88

Allen Jansen
Resident date 2-25-88

Richard W. Beal
Resident date 2-25-88

Robert Biller
Resident date 2-25-88

David J. [Signature]
Resident date 2-25-88

RESOLUTION

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Jerome Siller
Resident date 2-25-88

Arnold Tjelta
Resident date 2-29-88

Jamie Meath
Resident date 2/29/88

Angary A. Warr
Resident date 3-2-88

Resident date _____

Gary Knutson, Chairman
Town of Richmond
1428 100th Street
New Richmond, WI 54017

March 18, 2015

Dear Gary:

The City of New Richmond has been contacted by the Wisconsin Department of Natural Resources (DNR) and required to update our ordinances that relate to cross-connection control and the regulation of private wells on properties served with City water. The City Council has adopted the attached Ordinance #473 – Cross Connection Control and Backflow Prevention, and will be considering the attached Ordinance #474 – Private Well Abandonment and Well Operation at the March 23, 2015 City Council Meeting.

The Town of Richmond has several residents that currently use water supplied by the City of New Richmond. As such, the City is requesting that the Town pass ordinances consistent with those attached for the purpose of protecting the water supply that serves both our residents and yours.

If you have questions, or would like to discuss these ordinances further, please feel free to contact me.

Regards,

Jeremiah J. Wendt, PE
Director of Public Works