

**RESOLUTION NO. 09-11****CITY OF NEW BERLIN COMMITMENT TO WATER CONSERVATION**

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WHEREAS, the City of New Berlin has submitted an application to the Wisconsin Department of Natural Resources for a diversion of Great Lakes Basin water to those portions of the City of New Berlin lying west of the subcontinental divide and contained in the Milwaukee Metropolitan Sewage District service area; and

WHEREAS, the application is being made as a straddling community under the Great Lakes-St. Lawrence River Basin Water Resources Compact as adopted by the State of Wisconsin; and

WHEREAS, the compact requires that the act be implemented so as to incorporate environmentally sound and economically feasible water conservation measures to minimize water withdrawals for consumptive use; and

WHEREAS, the water supply service area plan required by the State of Wisconsin as part of the diversion application in turn requires that the water supply system being proposed is approvable based on the cost effectiveness of regional and individual water supply and water conservation alternatives; and

WHEREAS, the compact further requires states which are part of the Great Lakes Council to develop a water conservation and efficiency program; and

WHEREAS, the Wisconsin legislature has directed the Wisconsin Department of Natural Resources to promulgate rules specifying water conservation and efficiency measures for the waters of the State of Wisconsin and the waters of the Great Lakes Basin for the purpose of implementing a water conservation program; and

WHEREAS, the State conservation and efficiency measures are to be established based upon the results of pilot water conservation program conducted by the Department of Natural Resources and the results of other water conservation and efficiency programs; and

WHEREAS, the City of New Berlin, in its original water diversion application of March 2006, dedicated itself to support conservation through

- (a) Sprinkling restrictions
- (b) Notice of sprinkling restriction and public education through billings, City newsletters, information supplied on the City's website
- (c) Leak detection program

WHEREAS, the City's sprinkling restrictions reduced summer average day to peak days peaking factors from a 1990-1999 average of 1.936 to a 2000-2004 average of 1.749, a 9.7% reduction of peak summer usage; and

WHEREAS, the City further noted that it would be considering changes to its water rate structure, and that analysis is ongoing in light of the implementation of water conservation rates in other Wisconsin communities as permitted by the PSC; and

WHEREAS, the City is awaiting data on the effectiveness of these conservation rate structures and how best to structure such water conservation rates consistent with the compact's goal to promote both environmentally sound and economically feasible water conservation measures; and

WHEREAS, in a follow-up letter to the DNR regarding the City's amended application for straddling community water diversion dated March 7, 2007, the City noted that it was investigating the following options for water conservation:

- (a) Conservation rates
- (b) Additional public education
- (c) Change out credits
- (d) Rain barrel credits
- (e) Adjustments to outdoor water use policies
- (f) Other measures as represented by SEWRPC

WHEREAS, the City has observed that those areas of the City east of the subcontinental divide which are currently being served by Great Lakes water have experienced a diminishment in water usage based in part on the fact that the Great Lakes Basin water does not have the high mineral content that ground water supplies have and, thus, the need for water softeners has been virtually eliminated in these areas, resulting in water savings based upon the fact that water to recharge water softeners is no longer necessary; and

WHEREAS, the City of New Berlin has contractually agreed in its Water Service Agreement with the City of Milwaukee to comply with all applicable water conservation and efficiency measures required by the Wisconsin Department of Natural Resources pursuant to Wisconsin Statutes Section 281.346; and

WHEREAS, the City of New Berlin wishes to further substantiate its commitment to water conservation.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of New Berlin as follows:

- (1) The City commits to the adoption of a water conservation plan that will include the following elements:
  - (a) Adherence to the standards which may be established by the Department

of Natural Resources for water conservation from time to time

- (b) Annual audits of its water consumption to ensure that water conservation standards are having a material impact on the conservation of water in the City.
- (c) The offering of rebates for the use of water conserving appliances and devices.

BE IT FURTHER RESOLVED that the City of New Berlin commits to a conservation goal of not less than a 10% reduction in residential water consumption, based on January 1, 2008 per capita levels, by January 1, 2020.

BE IT FURTHER RESOLVED that the City of New Berlin requests that the Department of Natural Resources and those parties with an interest in its water diversion application recognize that material progress has been made through the City's water conservation steps to date and that the steps outlined herein are part of a continuing conservation objective consistent with the goals of the Great Lakes Compact that such measures be both environmentally sound and economically feasible.

BE IT FURTHER RESOLVED that the City of New Berlin asks that the State of Wisconsin and those persons interested in its water diversion application recognize that the City of New Berlin has been a leader within the Milwaukee Metropolitan Sewage District in taking voluntary steps to minimize infiltration and inflow before such requirements were mandated by MMSD or the State of Wisconsin and thus the City has exhibited both a substantive and fiscal commitment to sound environmental policy.

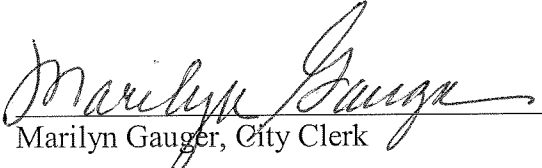
BE IT FURTHER RESOLVED that the City Clerk is directed to supply a copy of this Resolution to the Secretary of the State of Wisconsin Department of Natural Resources, Governor Doyle, Senator Lazich and Representative Gundrum.

Dated at New Berlin, Wisconsin this 28th day of April 2009.

APPROVED:

  
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Jack F. Chiovaturo, Mayor

Certified:

  
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Marilyn Gauger, City Clerk