

**Minutes**  
**Water Resource Management Utility Meeting**  
(Formerly Stormwater Utility)  
**January 13, 2009**

*Please note: Minutes are unofficial until approved by the Water Resource Management Utility (formerly Stormwater Committee) at their next regularly scheduled meeting.*

Present: Alderman Ken Harenda, Alderman John Hopkins, Alderman Bill Moore, Mayor Jack Chiovaturo

Excused: Commissioner Jim Kern

Others Present: Nicole Hewitt (Division Engineer), Cathy Schwalbach (Stormwater Engineer), JP Walker (City Engineer), Chuck Trevorrow (Stormwater Supervisor), City Attorney Mark Blum & Sue Hanley (Administrative Supervisor Utilities & Streets)

Meeting called to order at 4:53pm by Alderman Harenda. Roll call and declared a quorum with all members present except for Commissioner Kern who is excused and Alderman Moore who is expected.

**Old Business**

**SW 01-09                      Minutes from October 14, 2008 Meeting**

Motion by Alderman Hopkins to approve the minutes from the October 14th Water Resource Management Committee meeting. Seconded by Mayor Chiovaturo and upon voting the motion passed unanimously.

**NEW BUSINESS**

Attorney Blum said that his office received a phone call from the attorney who represents the property owners and asked that Item 04-09 be delayed until 4:55 p.m.

**ITEM    02-09                      Approval for Remaining Comp Plan Budget from 2008 to be spent in 2009**

Hewitt: This is clarification that the \$120,000 that was allotted for the Comprehensive Plan in the 2008 budget, the remaining funds were to be used in the 2009 year.

Harenda: We already allocated the money in 2008 and this is the remainder of the balance.

Hewitt: Correct.

Chiovaturo: Do we need a motion to carry this from 2008 to 2009?

Harenda: It was in the 2009 budget correct?

Hewitt: It was in the 2008 budget with the understanding that it was to cover the 2008 and 2009. It is not in the 2009 budget, but the funds are available for 2009.

Chiovaturo: You are asking us to take the unspent funds of 2008 and transfer it into this account in 2009.

Harenda: I thought we set aside the amount for this project and split it between the 2 budgets or are you telling us we allocated it primarily from the 2008 budget and we are just carrying that over to 2009.

Hopkins: Do we need a motion?

Hewitt: It is not being transferred from one fund to another fund; it is just being allocated or available for the 2009 billing. I think it was just a formality to make the statement again because it was made when the 2008 budget was approved.

Chiovaturo: It should already be in the budget.

Hewitt: This is just making note that we will be charging for the Comprehensive Plan in fiscal year 2009 even though it is not in the 2009 approved budget.

Chiovatero: So the motion is not needed. What you are doing is making the Committee aware that there are expenditures in 2009 that are split between 2008 and 2009. Can you just verify to make sure?

Hewitt: I probably wrote the issue paper wrong. I haven't gotten verification but I sent out requests to let everyone know.

Harenda: Just update the Committee. We did allocate the \$120,000. Are they going to need the whole amount?

Hewitt: As of today they spent \$30,000 so we are carrying over the \$90,000.

**SW 03-09 FEMA Utility Reimbursement for June Flooding Expenses**

Schwalbach: We wanted to make you aware that we have not received the check. FEMA is saying it may be another 4-6 weeks before we receive the check and once that money is received we will bring this information back to you and give you some options for using that money to do some work in different areas.

Chiovatero: We were approved; we just haven't received it yet.

Schwalbach: That is what they are telling us. It is close to \$111,000 that will be reimbursed for our expenses.

**SW 04-09 Approve Survey Work for Drainage Issue at 3185 Sunny Slope Road**

Wysocki: As you can see by the formal request, I wanted this to go to the Committee of the Whole but based on the advice of the Mayor it was put onto your agenda. Request the Common Council to approve the expenditure of \$1,800 from the engineering servicing account 15110029 52030 to cover the cost of survey work at 3185 Sunny Slope Road.

**RATIONALE:** Surface water drainage from the Harris Bank parcel at 14000 National Avenue is draining north across 3185 Sunny Slope Road, which it has done historically when the area to the north was a farm field. In 1995 Waterford Square Condominiums were developed north of the subject property. That drainage is being blocked on the subject property and the property owners are concerned that wetlands will form if the drainage issue is not corrected.

When Waterford Square was developed in the mid-1990's storm water draining across the backyard of the subject parcel was supposed to be directed to two storm sewer inlets on the Waterford Square property circled red on the accompanying excerpt from a Waterford Square grading plan. In order to determine solutions to the drainage issue, a topographic survey is required to determine existing grades on portions of the three parcels. Permission for the surveyors to enter the three properties has been received by the City. Permission for the surveyors to go on the neighboring properties has been received by the City. In accordance with the City's Purchasing Policy, two quotes (attached) were received from consulting engineers: Bloom Companies, LLC at \$4,200 and Crispell-Snyder, Inc. at \$1,800.

One of the reasons that I didn't bring it to the WRM Committee is that I believe it is an example that not does not often occur, where at the Plan Commission we give approve for developments with conditions "subject to". Having known the history of this property for over 30 years I can tell you that both in the development of the Lincoln Bank which was previously Harris and Waterford Square there was a deep concern of not isolating this property into a situation of more drainage than had historically been there. I recall in the original development construction plans for the bank that indicated in the driveway immediately north of the subject property there would be a storm sewer system that would take the water from the driveway and south of the property that drains to this area and take it to the stormwater sewer system located on Sunny Slope. For whatever reasons that was not done and what was put up was an asphalt parking barrier on the edge of the driveway immediately adjoining this parcel on the north. What obviously happens in the winter time especially when the snow is plowed up against this area, the snow goes onto the property and that may be something between the 2 owners that has to be resolved but that is one source of a concern. When we approved things at the Planning Commission there was a "subject to" and it was very clear at the Waterford Square development, that on the southwest corner of the subject parcel they had to have the appropriate inlet to handle storm water that was going across the property into the area that would eventually become the Waterford Square development. The question is if that is actually working or had been working. Subsequent to the Waterford Square development there were some issues related to water on that property that I

believe the City acknowledged was creating a problem to the point where the City actually put in an inlet on the southwest corner of the property, that would carry stormwater into an open ditch area on Sunny Slope and would eventually go into the stormwater collection system. I wanted to take it to the Committee of the Whole because these particular issues. This is something that has been in front of us for a number of years. I talked to former Alderman Augustine about this. I don't think it is the specific purview of the Water Resource Management Committee to oversee the Engineering service account for surveying, but apparently that may be one of them. This is a stormwater issue, but I think it is beyond the scope of what this Committee usually deals with. I wanted it to go to the Committee of the Whole because of the background with regards to the concerns of the developments that have occurred both to the north and south of this property which in my estimation and experience that I have, has created a situation and these people have a legitimate concern as to the very least the facility that was supposed to be at the Waterford Square area, that inlet actually does take into the water. In talking to Staff that have been very helpful, they indicated that as we put in the rationale, a survey has to be done first to make sure we understand what the grades are on this property. I would appreciate, if you feel it is appropriate, for you to support this action.

Harenda: All we received was Alderman Wysocki's requested action and the two proposals. I have not received any input from staff besides some conversation on the telephone.

Schwalbach: Past practice of the Utility has been that issues that are occurring on private property are private issues and the Utility does not get involved in those. That is how we have handled this particular issue. We have met with the Alderman and with the property owners and supplied information and tried to assist in checking the developments to work with them to get the information that we need, but beyond that staff does not normally do survey work on private property. We suggested to them that was probably their best step to determine what is happening on their land and if it can adequately drain into the inlets that had been installed.

*Alderman Moore arrived at 5:08 p.m.*

Harenda: The opinion of this Utility and the City has been to not get involved in private drainage easements because of the potential liability. There are a number of those that the Utility has seen and if we take up one, it sets a precedent to take up others, but in all the cases that have come forth to the Committee, we usually had staff input. Alderman Wysocki points out a few things that were to have taken place in the mid 1990's. Were those followed through with what was directed by the Plan Commission and as the developer should have put in place?

Schwalbach: We can do that if you would like something in report format. We have had several staff working on looking at the individual developments, the requirements placed upon them at the time they were developed and verifying that what they were required to do they had done. When we looked at the bank to the south which is now Harris Bank, staff did find that the curbing had been replaced by curb stops that had openings to allow water to drain through, so staff did take action with the Bank to require that they do replace those curb stops and install the appropriate curbing that had been the requirement in the past. That has been done and verified by staff. The development to the north, staff has verified the as-built of the inlets and the requirements there and has verified they have done what was required by the City at the time. I can tell you that verbally. We can certainly put that information together for you in a report for the next meeting.

Harenda: That is a concern I have. Alderman Wysocki is representing the resident or the business in the area. I agree that this still falls under purview of a stormwater issue. I hate to see us dipping into other engineering funds in the City budget when it is supposed to be handled by the Utility, but past practice of this Committee is to not get involved in private issues. We have helped in the past to assist private property owners to fix problems in the area, such as Kelly Lakes with a cooperative grant with the DNR and assisted with homeowners to work with parties involved, but we never took a position or expended funds to do that. If we do that, it does set a potential precedent. I would like to have a report from staff.

Hopkins: I would like to see a report too. I understand your position that we would normally not get involved on private properties, but there is another one in my district with a couple of private properties and a potential drainage issue. I think we've got to look at these and have to make sure that the water is flowing the way it should be, and if it goes back in history that we haven't done our job I think that we have an obligation to straighten it out now.

Chiovatero: I am the one that thought this issue was a Stormwater issue and asked Alderman Wysocki to bring it to this Committee and I have heard in the past about inlets not being installed but you are saying the inlets were installed on the Waterford property as required.

Schwalbach: Correct.

Chiovero: As far as the bank, I know historically the water always flowed across this property. Are there wetlands on this property?

Schwalbach: We don't know that. We recommended wetland delineation be done by the property owner.

Hewitt: The DNR has delineated wetlands and they have symbols on there indicating wetlands may be present and the property does show up on that map which triggers us to request a wetland delineation.

Chiovero: What are we surveying for?

Hewitt: To identify where there is a low spot on their yard to allow the drainage to get off of their yard into these inlets that were in place by Waterford Square, what could the possible solution be and if the water can get from their property to Waterford Square or is it being blocked.

Chiovero: So it is more of a topographical survey to see if the water is flowing?

Hewitt: Correct.

Chiovero: Are we responsible if we do the survey to fix the water flowing into that yard?

Hewitt: If it comes to show that Waterford Square is possibly blocking the drainage then that would be an issue with Waterford Square.

Chiovero: That is why I wanted to bring it to this Committee because I think it is a stormwater issue and to get you involved to look at it and make sure it is not an issue with Waterford Square or the bank. This has a history and I agree with Alderman Harenda and Alderman Hopkins that a chronological report of what has happened and what was found would help this Committee a lot.

Harenda: We can defer this issue until the next meeting and get a report from Staff to follow through with what we have done in the past on these issues. I think we've had at least 4-6 of these within the last 24 months and more in the past and we looked at each one of them and replied back to the property owners of what we can or can't do versus those findings.

Motion by Mayor Chiovero to defer SW 04-08. Seconded by Alderman Hopkins and upon voting the motion passed unanimously.

Motion to adjourn at 5:14 p.m. by Alderman Hopkins. Seconded by Alderman Moore and upon voting the motion passed unanimously

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Respectfully submitted by Sue Hanley, Administrative Supervisor Utilities & Streets*