

Minutes
Water Resource Management Utility Meeting
(Formerly Stormwater Utility)
May 8, 2007

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, and Commissioner Jim Mr. Mr. Kern

Excused: Mayor Jack Chiovaturo and Alderman Bill Moore

Others Present: Eric Nitschke (Stormwater Engineer), Cathy Schwalbach (Project Engineer), Chuck Trevorrow (Water Resource Management Supervisor), JP Walker (City Engineer), & Sue Hanley (Office Coordinator Utilities & Streets)

Meeting called to order at 4:45 pm by Alderman Harenda. Roll call and declared a quorum with 3 members present.

Old Business

SW 01-07 Minutes from March 13, 2007 Meeting

Alderman Harenda said that the minutes need to have a correction on page 7 under the Communication. The last sentence of the first paragraph should read, " residents pay between \$1,500 to \$1,700 per year on flood plain insurance." Motion by Alderman Hopkins to make the amendment to the minutes. Seconded by Commissioner Mr. Mr. Kern and upon voting the motion passed 3 to 0. Motion by Commissioner Mr. Mr. Kern to approve the minutes from the March 13th Water Resource Management Committee meeting with the approved amendment. Seconded by Alderman Hopkins and upon voting the motion passed 3 to 0.

SW 07-06 Resident Request for Corrective Action Re: Drainage Concerns (tabled)

Remains tabled.

SW 10-06 Woelfel Drainage Easement Discussion (tabled)

Remains tabled.

SW 11-06 Discussion of Woodland Drive Resident Request (tabled)

Remains tabled.

SW 19-05 Approval of Stormwater Utility Updated Five-Year Plan (tabled)

Remains tabled.

SW 05-07 Approval of the 2008 Operating Budget Expenditures for the Citywide Comprehensive Plan & Stormwater Management Master Plan Update

Motion to remove from the table by Alderman Hopkins. Seconded by Commissioner Mr. Mr. Kern and upon voting the motion passed 3 to 0.

Alderman Harenda: Discussed at the last meeting that Plan Commission and DCD was going to solicit consultants for the 2010 Comp Plans legislation that we have to comply with. Utility may piggyback and cost share.

Mr. Nitschke: DCD (Department of Community Development) is going to solicit consultants and the WRM The 3 firms that submitted proposals and interviewed at the Plan Commission last night and will be moving forward with firm selection all were within the \$100,000 range, in June and this item will be brought before the Plan Commission and then back to the WRM Committee for cost-sharing.

Alderman Harenda: Expressed concern that the 2008 budget hasn't even been approved yet and asked if the \$120,000 set aside would affect any projects?

Mr. Nitschke: Answered no and said if the Plan Commission makes a decision in June or if they delay until July, we may bring the 2008 budget and this item to the Committee at that time.

Alderman Harenda: In dealing with the Comp Plan, these bids often come in with a number of consultants that come together with a proposal, will we be dealing with a sub-consultant or a combination or everyone involved?

Mr. Nitschke: Water Resource component will be one consultant or sub consultant, but there will be a project manager overseeing the entire project so we will be dealing with them as well. Some companies keep everything in their firm, while some have sub consultants.

Motion to retable by Commissioner Mr. Mr. Kern. Seconded by Alderman Hopkins and upon voting the motion passed 3 to 0.

New Business

ITEM 07-07 Approval of Lincoln-Calhoun Drainage Easement Contract Amendment

Alderman Harenda: This is part of a project that we already approved. Staff is recommending some changes.

Mr. Nitschke: Staff recommends the amendment of \$8,500 to HNTB for additional services rendered. Funds from the Design Contract account 04251171 61716 C2004. Additional design work and easement acquisition was required to complete the Lincoln-Calhoun Drainage easement. Staff had hoped to reconstruct drainage easement with a level of protection of a 25-year storm due to budgetary purposes; however, due to history of flooding in area, staff requested HNTB complete the designs for 50 and 100-year storms. Based on constraints of existing easement boundaries, it was determined that HNTB needed to coordinate with adjacent property owners to enable proper construction access and proceeded with the required designs and easement acquisition to ensure the project moved forward.

Alderman Harenda: Basically we have completed our funds and there is no impact on the construction.

Mr. Nitschke: For future information we know what the ultimate design work is for the 50 and 100 year storm, so if we decided to upsize this as these designs last a long time and Staff often goes back into the file 20-30 years sometimes to look at the design rates.

Alderman Harenda: Do we want to do design work for a 50 and 100 year storm in the future?

Mr. Nitschke: Normally we do, but based on some of the contributing factors originally in this project, it wasn't proposed that HNTB do it.

Mr. Kern: Is the construction contract for 25, 50 or 100 year storm?

Nitschke: The construction contract is for 25 years which is our City standard, but we now have a design capacity for the 50 or 100 year if we need to upsize.

Motion by Alderman Hopkins to recommend to Common Council approval of the amendment to the professional services design contract, for the Lincoln-Calhoun Industrial Park Drainage Easement, to HNTB Corporation. The amendment is in the amount of \$8,500.00. The funds for the Design Contract are to be charged to account 04251171 61716 C2004. Seconded by Commissioner Mr. Mr. Kern and upon voting the motion passed 3 to 0.

SW 08-07 Approval of Modification to Culvert Replacement Policy 23-04-005

Ms. Schwalbach: Current policy approved 2 years ago by WRM Committee and that was approved to cover situations on the drainage list that the City needed to go in and repair or replace a culvert. At that time there was a concern about charging for labor and materials, so policy was to charge homeowner for materials only. Since then, several times a year there are driveway culverts not properly maintained within City ROW and issues arise when water backs up in ditch line behind a culvert that is causing an obstruction. These issues are a result of lack of maintenance by property owner and when backup of water is noticed and need to be addressed quickly because of the negative impact on the drainage system caused by the obstruction. Current policy is that resident is notified and if the culvert is not replaced by the property owner, City Street crews perform the work for only the cost of materials. This creates difficulty since the replacement culverts are moved ahead of those residents that have been on the drainage list. The owner of the obstructing culvert receives a new one and pays 1/3 the cost of the replacement compared to those property owners that do maintain and replace their culverts when their useful life has ended.

Ms. Schwalbach: Bringing forth the changes of policy:

3.2.2 In the case of a culvert not being properly maintained by the owner and causing a drainage problem, the City may replace the culvert for the public welfare under Section 230-3 C (1) City Municipal Code.

3.7 In the case of Section 3.2.2 above, the following will apply:

3.7.1 The City shall notify the property owner in writing that replacement of their driveway culvert is required and the reason shall be noted.

3.7.2 If the homeowner does not replace the culvert or adequately show that replacement is scheduled within a ten day time period, the City shall send a second written notice.

3.7.2.1 The second notice shall state the following:

3.7.2.1.1 Replacement is being scheduled.

3.7.2.1.2 The homeowner will be charged the entire cost of replacement, including materials, labor and machine charges. This amount shall be stated.

3.7.2.1.3 The homeowner may still contact the City regarding their plans to replace the culvert within five days.

3.7.3 If the City must proceed with the culvert replacement, the homeowner shall be responsible for the cost of materials, labor and machine charges. These costs shall be documented and kept in the Streets Department.

3.7.4 Section 3.5 and 3.6 apply.

Staff has requested modifications to:

1. Help encourage property owners to properly maintain and replace their driveway culverts when needed and discourage property owners from letting culverts go until they cause a problem in the system. Removes reward of obtaining a replacement at 1/3 of cost the average property owner must spend.
2. Help protect drainage schedule of Street Department and is fair to those on waiting list.

3. Removes monetary benefit gained by leaving a culvert in place until it must be replaced by City.

Homeowners are protected from unreasonable charges by:

1. Charging full cost for culverts obviously obstructing drainage, which should have already been replaced.
2. Giving 2nd notice before work is completed. Allows reasonable amount of time for a response.

Alderman Hopkins: Fiscal impact is approximately \$1,700 each?

Ms. Schwalbach: \$1,700 is additional charge based on 2007 rates, in addition to what we currently charge for material of \$800-1,000

Alderman Hopkins: \$2,500 to \$2,700 for a normal job. He said he talked with Cathy this morning about a ditch in District 1 that I personally don't think the City should have to pay for.

Mr. Kern: Currently if a property owner does it the right way, they pay the whole cost?

Schwalbach: Correct.

Mr. Kern: What was the reason that the policy was made to charge for the materials?

Mr. Nitschke: This addresses property owners that have allowed their driveways to collapse. The only policy that we have now is to do the repair, but only charge them for the labor cost. This allows us to have a slide rule where homeowner's that take care of their culverts where we are working on a drainage issue, we charge only for the labor, but for those who have not maintained their culverts, this change will allow us to charge for labor and materials.

Alderman Harenda: How many of these situations are there each year? How do we determine what is properly maintained?

Ms. Schwalbach: 3 to 5 annually. When a culvert is silting in, we do try to unplug those. If a culvert is still functioning, we do not replace a culvert and charge that person for the whole cost. This is only for extreme situations where the culvert is obviously in disrepair and causing a drainage problem because the culvert should have been replaced or our equipment would get stuck, then this change in the policy would go into effect. Residents will be given 2 notices so that they have time to get quotes on the work or do it themselves and we will guide them through the process.

Mr. Nitschke: This is for the culverts that have totally collapsed and there is no material left to work with, so the Street crews can't do anything to improve the drainage. This policy will address taking care of the situation quickly without going through the citation process and code compliance.

Alderman Harenda: Do we have target lists?

Schwalbach: No we do not.

Mr. Kern: Something significant would have to happen to implement this, 2-3 times per year?

Schwalbach: 3 to 5 per year is what we have seen.

Mr. Kern: How many replace their culverts each year?

Schwalbach: About 40 last year?

Trevorrow: With new homes and replacements we set the grades on 40-75 per year.

Ms. Schwalbach: Chuck has a crew that sets the elevation, and then does the inspection afterward.

Trevorrow: If they call, we inspect before they put in the cover material and driveway so that it is done properly.

Motion by Commissioner Mr. Mr. Kern to recommend to the Common Council the approval of attached Modifications to Culvert Replacement Policy #23-04-005. Seconded by Alderman Hopkins and upon voting the motion passed 3 to 0.

SW 09-07 Floodplain Update

Mr. Nitschke: Reminded Aldermen and citizens that they are having individual meetings with each alderman, and there are Public Information Meetings regarding the FEMA revised flood plain maps out for review by the County and City and this is our time to dispute any floodplain modifications that we feel are in error. First meeting is Thursday May 10th from 6-8:00 pm in the Council chambers. In order to dispute the floodplain that FEMA submitted, there are several factors that must occur. It has to be in a floodplain boundary that was analyzed by HEC-RAS. There were 2 such floodplains that were analyzed in the City - Poplar Creek and Deer Creek. There are also areas where floodways the area of the floodplain that is moving were modified and those areas can also be disputed. In order to dispute you also need technical grounds to dispute it, that means a survey and a possible HEC-RAS analysis of our own and that costs money. The Buena Park Floodplain survey deals with this point as we are disputing what FEMA has done but we need survey work done in the area to move forward with our dispute.

Alderman Harenda: We haven't publicly notified the homeowners, but have notified people through the newspaper, cable channel, and website. Are there any that weren't in a floodplain before but they are now?

Mr. Nitschke: Staff is completing our review of FEMA's revised floodplain maps, and everything that we have seen for the most part properties were pulled out of the floodplain, but there are 3 specific areas where properties may have been out or right on the edge were moved in or maintained in the floodplain - Observatory Heights, Buena Park, and Deer Creek Watershed, which we have had Bonestroo working with the City on submitting that HEC-RAS analysis to FEMA and also near the corner of Moorland and Beloit.

Alderman Harenda: Asked staff to send letters to these people who were not in a floodplain, but now are, so they are not blindsided by the Mortgage Compact.

Mr. Nitschke: FEMA did submit a list of LOMA's that they would send, but staff will look into sending notices. The Deer Creek area was covered since we had to send out notices along that floodplain boundary anyway and there were over 600 letters were sent.

SW 10-07 Approval of Buena Park Floodplain Survey

Mr. Nitschke: Floodplain work can grow and expand and this shows what has been done to date on trying to get the Deer Creek floodplain mapping approved to FEMA. We hired Bonestroo and have had them do the submittal to FEMA who charges \$3,000 and the engineering cost of sending out the letters to the residents, making modifications that FEMA requested to the HEC-RAS analysis. FEMA took New Berlin and Brookfield's floodplains and came up with their own floodplain boundary by combining them so instead of lowering the area by 2 feet we only received 1 foot. The proposed survey of \$9,940 is required to obtain more accurate elevation data for property owners in Buena Park and Coachlight subdivisions. Survey data is required to have the ability to dispute FEMA's proposed FIRM maps that are currently in a 90 day public comment period. Anticipated expenses have been budgeted but not spent yet for citywide sediment load analysis and illicit discharge screening.

Alderman Harenda: How many homes are impacted?

Mr. Nitschke: 10 homes in Buena Park, and several condominiums, duplexes, apartments along River Road and one home on Canary.

Alderman Harenda: Do we feel confident in getting positive results?

Mr. Nitschke: We spent \$8,000 on Observatory Heights which had 12 homes affected; only 5 were approved and removed. This saves residents \$1500 to \$1700 per year on homeowner's insurance and while we can't guarantee the results, we can't dispute the floodplain mapping without a survey and engineering backing.

Mr. Kern: If you don't do the survey, there is zero chance of any homes moving out of the floodplain and it is like being caught between a rock and a hard place

Mr. Nitschke: We have learned something from Observatory, instead of doing the 4 corners of the building we are looking at doing a topographic survey which allows the residents if they are out, they know exactly where they can expand the homes on the property. If we do remove some homes, we may be allowing them the ability to add on to their building, which some have requested. This is why we requested the topographic survey vs. the lowest adjacent grades to the building. If you do approve this we will be sending notices to get access to the buildings involved for the survey and it would have to be an immediate turnaround, because we only have 90 days and 90 days started April 13th.

Mr. Kern: Survey cost is \$9,940; there is no additional cost to continue beyond this?

Mr. Nitschke: Cost is for the survey only, there will be additional cost to dispute it and present it to FEMA. He could not estimate the cost because of FEMA requirements.

Alderman Harenda: Raised concern about what is the Utility supposed to be doing, and when discussing the 5-year plan, this is another area that the Utility is being involved in and there is a funding issue and we only have so many dollars.

Mr. Nitschke: Staff is also concerned about time spent on this. 5 years ago we were not spending any time on this, but now about 10% of our time is spent on this.

Motion by Alderman Hopkins to approve the Buena Park Floodplain Survey in the amount of \$9,940 to Bonestroo. Source of funds: 70710710.59060. Seconded by Commissioner Mr. Mr. Kern and the motion passed 3 to 0.

SW 11-07 2006 Water Resource Management Utility Update

Staff presented 2006 update of projects including Customer Service, Drainage List, Construction, CIP Projects, Grant Administration, Water Resource Management Committee Items, Utility Billing, New Development Review, Regulatory Compliance, Code Compliance, Floodplain Assistance and New Technology Research.

Mr. Nitschke: Said that the Street department that their work is impressive since most of their work is done the end of April to mid November and a lot of their personnel are out on vacation during that time.

Mr. Nitschke: Staff recommends significantly more fines for problem areas in Code Compliance.

Alderman Harenda: Asked if they are working with the Municipal Court Judge Dorlack?

Mr. Nitschke: We work hand-in-hand with the City Attorney Mark Blum, then the next step is to let Judge Dorlack know of the volume of the types of complaints we are getting and the administrative process we are going through.

Mr. Nitschke: Staff pleasantly surprised when cleaning out the vortech units at Malone Park. Over 3 feet of sediment was removed in the bottom of each unit that was getting washed down the creek in Malone Park prior to this being installed.

Mr. Nitschke: Staff percentages for work load. 70% of Cathy's is drainage list, the rest is broken down into WRM Utility Regulatory, Code Compliance, Floodplain issues, Committee Meetings, Large scale

design Coffee, Grant Administration, Project oversight, New Development Review, Training, Research, and Overseeing Invoice payments. Eric's time: 35% Development Review, 20% Utility, 20% internal meetings with developers, staff and residents, 10% CIP Projects, Floodplains 10%, 5% for research and field inspections. We will be updating Committee in the future.

Alderman Harenda: Are costs from Developers issue reviews credited to the Utility or to the General Fund?

Mr. Nitschke: Developer costs go back to the General Fund, but not all of his time is charged to the Utility.

Alderman Harenda: Can we add additional information to the website to list some of the things we are doing?

Mr. Nitschke: We would like to get this information out to the public better.

Motion to adjourn at 5:56 p.m. by Commissioner Mr. Mr. Kern. Seconded by Alderman Hopkins and upon voting the motion passed 3 to 0.