

Minutes
Water Resource Management Utility Meeting
(Formerly Stormwater Utility)
July 10, 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, Alderman Bill Moore, Mayor Jack Chiovatero & Commissioner Jim Kern

Others Present: Eric Nitschke (Division Engineer), Cathy Schwalbach (Project Engineer), JP Walker (City Engineer) & Sue Hanley (Office Coordinator Utilities & Streets)

Meeting called to order at 4:46 pm by Alderman Harenda. Roll call and declared a quorum with all members present.

Old Business

SW 01-07 Minutes from June 12, 2007 Meeting

Motion by Commissioner Alderman Hopkins to approve the minutes from the June 12th Water Resource Management Committee meeting. Seconded by Mayor Chiovatero and upon voting the motion passed unanimously.

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

This item remains tabled.

SW 10-06 Woelfel Drainage Easement Discussion (tabled)

Motion by Commissioner Kern to remove this item from the table. Seconded by Alderman Hopkins and upon voting the motion passed unanimously.

Mr. Nitschke: I talked to Alderman Ament and Mr. Woelfel regarding the debris in Poplar Creek north of Observatory Road and south of Coffee Road. I walked the channel up Observatory almost to Coffee Road and the debris is outside the easement area that we obtained from TRD Real Estate when they came in for the land divisions. Staff is looking for direction from the Committee for a citywide policy for removing debris for navigable waterways, getting permission from the landowners and establishing a timeline. Staff is looking for removing the item from the agenda; however, we will send a letter to Mr. Woelfel and Alderman Ament telling them what we found, where we are at and if they wish to bring forward a requested action to the Committee to revisit this option of a citywide policy to clean out the navigable waterways we would be agreeable to that.

Alderman Harenda: Asked Staff to make sure that they include a letter to Mr. Woelfel and Alderman Ament and to bring the Committee up to speed with the documentation so that we are all on the same page if we go forth with a policy discussion. If we want to venture into this area, it will be a burden as the Utility has taken on a lot more work already.

Mr. Nitschke: Absolutely.

Motion to remove this item from the agenda by Mayor Chiovatero. Seconded by Commissioner Kern and upon voting the motion passed unanimously.

SW 11-06

Discussion of Woodland Drive Resident Request (tabled)

Remains tabled.

SW 19-05

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

Alderman Harenda: This item was first discussed in May 2005.

Motion to remove this item from the table by Alderman Moore. Seconded by Alderman Hopkins and upon voting the motion passed unanimously.

Mr. Nitschke: Staff put together this draft 5-year plan to provide direction to the WRM Committee and get feedback from the Committee. The 1st thirteen pages dealing with maintenance, drainage list, CIP projects, and ratings will not be discussed today. (He noted that the Stormwater Utility is now called the Water Resource Management Utility) Staff would like to get input from the Committee on the bullet items on page 14 and the Proposed Strategic Plan on page 15. Staff is looking for feedback on how much time and effort you want us to place on these items and will then try to get a more refined document on where we have been and where we want to go.

Currently New Berlin roadway projects install storm sewer, culverts, and detention facilities without contributions from the Stormwater Utility. The Stormwater Utility is then given the storm sewer, culverts, and detention facilities as assets. These assets are used by the Utility for debt service. Should the Stormwater Utility start paying for storm water improvements on roadway projects? If so, is the Utility prepared to raise rates accordingly?

You may have heard this item brought up with Roadway Projects presented by the Board of Public Works or budgetary items. Mr. Holzinger our Finance Director said the Utility may have to look at paying for components of roadway projects. If you want us to spend the time we will go through the roadway projects in our CIP list, try to break out the stormwater components and overlay over the next 5 years on what it would cost the Utility and how it would benefit the Utility, how it would be more of a burden on the Utility, and how it would be more of a burden on the City.

Commissioner Kern: Why does this have to be done?

Mr. Nitschke: Today if a roadway project is driven by roadway concerns because the road is falling apart, passer ratings are low, or its capacity is undersized, the stormwater components are paid for by the roadway project. If the stormwater issues in the area drive the roadway project, the Utility has assisted in funding for the stormwater components, i.e. the underground facility we are looking at for Coldspring Road. Why is it needed? It comes down to financial budgetary issues as the Utility gains the asset which assists in our functioning of debt service where the General City Fund does not see a benefit from that asset; however they are paying for it. It like an extra credit that the Utility is getting for free. It was never identified in the Original 5-year plan or the Master Plan or the Stormwater Financial report completed in January 2002; they didn't identify roadway projects being broken down into pavement and storm sewer components.

Commissioner Kern: If we went this route it would be a financial benefit to the City?

Mr. Nitschke: Yes, the City would see less money going to capital improvement funding and the Utility would be encumbering more burden towards capital improvement funding.

Alderman Harenda: When the Utility was conceived this was never thought about as a course of action. We have already expanded into a number of areas that the Utility was never set up to function as. We have added a drainage list and you brought up that all it is doing is shifting dollars and there are differences of opinion on this. Is that a direction we want to go, because it is a significant amount of dollars spent when we do a road project that is just a basis of the law that we have to follow. I think we bit off a lot already dealing with some of the capital improvement projects in the older Industrial park after

2010. Staff had brought forth the idea in the past of raising the stormwater fees, which I think will face substantial resistance in the community. I don't have a problem looking at these things to balance them out.

Mr. Nitschke: In the finance report included in item 5.1 is a very good descriptor to keep in mind when talking about shifting funding and expenditures. For the stormwater costs in the original 5-year plan, if we were to stay under the property tax for a funding source, there would be no Utility, it was determined that single family users would pay 76% of stormwater costs for everything that the Utility does, non-residential commercial and industrial would pay 24% and tax-exempt pay zero. Under the Utility with the user fee, residential customers pay 51%, non-residential customers pay 42% and tax-exempt such as government, schools and churches pay 7%. The Utility spreads the fee a little more across the board rather than a taxable source.

Alderman Harenda: When the Utility was set up to receive some of the money for what our Streets crews were doing, we never saw a reduction in the Streets budget, that is a concern I have, that we see some kind of savings on one end or another.

Mr. Nitschke: Is that something you would like us to look into, could we show a savings on one side or the other or increased services on one side or the other. If we raised rates in the Utility, could we help the City balance the budget and helping the City maintain its tax rate.

Alderman Harenda: If we start taking dollars from the Utility to help pay for roadway projects, you should start seeing a reduction in the operating budget and CIP budget on the City side.

Mr. Nitschke: I think you will see less of a shift in CIP projects if the debt service is spread out over 15-20 years, but you should see a reduction in the operating budget. If you put more money in the Water Resource Utility and bring in more Streets crews to catch up on the drainage list you will see a reduction in the City's operating budget. This is one item that you want us to get more detail on. If we bring in more employees to the Streets crews, how would that assist the City in working on the drainage list, snow plow work, roadway patching, etc. The people that the Utility pays to do the drainage projects are the same crews that do the road patching, the snow plowing, curb repair, roadway patching, 4th of July setup, etc. We pay in for their stormwater service but during their downtime they are providing other services.

Alderman Harenda: What are the pluses or minuses for the tax payers to get the most bang for their buck.

Mr. Nitschke: Read the next bullet statement. *The Streets Crews are inundated with a heavy work schedule due to the requests on the Drainage List and miscellaneous projects throughout the City. Should there be a dedicated Storm Water Streets crew? Should more money be placed in the operating budget for contract help to assist the Street Department in completing the drainage projects on their list?*

At the time the report came out we were closing in on 2 years behind on the drainage list, and now we are almost 3 years behind. The Streets crews are busier than I have ever seen them, working on Dakota Street culvert project, where we had a DNR permit, two 60" pipes were replaced and I encourage you to look at the project. They are now doing work on Coachlight storm sewer project and they have had to push back the drainage list projects because of these intermediate projects.

Commissioner Kern: If you got the crew, what specifically could be done? Could you get it down to a 1 year list? Is it worth the extra cost or not. Let the community decide.

Alderman Harenda: How do we track the labor and equipment?

Alderman Moore: There is a certain amount of benefit to the people if they pay their utility fees on their taxes as opposed to the Utility?

Mr. Nitschke: They can take their property taxes off their income taxes. We could take \$60 and figure out what that would be for the average person.

Alderman Moore: We have to look at it on a different basis, is it better to have it stabilized on a utility bill instead of being susceptible to the fluctuations of the budget.

Mr. Nitschke: The Committee has not increased the rate in 6 years and we are in year 7.

Alderman Moore: We talked often about Streets, Fire and Police being the services that we need, and I would like to add this Utility as the 4th thing that is very important to maintain. If the drainage list used to be better and now we are 3 years behind, my answer to 5b is yes.

Mayor Chiovero: As far as stormwater goes, that includes street sweeping too correct?

Mr. Nitschke: Yes that is included in the Water Resource Utility budget.

Mayor Chiovero: Last year you asked for a half person, but it never was approved.

Mr. Nitschke: You did approve it at the Committee level, but it was not approved at Council.

Mayor Chiovero: We are talking about doing this, but it is not being relayed to Council. We put in for a half a patrol worker and are currently interviewing for this position. We had discussion, do we move forward on this considering the constraints on the budget this year, with all of the added workload for street sweeping, the drainage list and snowplowing, we had to move forward with this half position which I hope will stay. That will only turn into a full time position next year because that is an added position. Have benefits been added or what Alderman Harena has said earlier, we added this Utility, but we haven't seen a reduction in the Street operating costs. We are doing work that we never did before, ditch work, sweeping, regulations and permits. People are getting a good value when we do some work.

Mr. Nitschke: Our infrastructure basically was put in place in the 50's and 60's. Cross culvert lifespan is 40-50 years; we are seeing an influx of work now as the backend of the cycle is coming around. The Dakota Street culvert crossing pipes were in place a long time and were rusted through and had to be done.

Mayor Chiovero: In the past, we weren't aware of what stormwater was doing because of lack of knowledge. In 80's and 90's more of this came to light as regulations got tougher and we are correcting issues that came about because of development and progress.

Mr. Nitschke: Our Street crew supervisor Chuck Trevorrow said that since they completed work in the Gatewood Subdivision and Buena Park they have taken those subdivisions off their list when storms occur and don't receive calls from these areas. We have taken out the deadfall and debris and it is no longer a consistent worry to have a backhoe down there and workers there to clean out the area. We see a benefit of doing these projects from an operations end of things.

Alderman Harena: Some of these things that you are asking go back to the overall mission of the Utility and we are changing that. I know we are potentially upgrading the Stormwater Master Plan and is that something we want to deal with that first prior to dealing with expenditures?

Mr. Nitschke: We are going to be working on the Comprehensive Plan and have a firm lined up. Do you want us to hold off on the 5-year plan until the Comprehensive Plan to a point where the 5-year plan can be incorporated into the Comprehensive Plan along with the Stormwater Plan update or do you want us to move forward with a version of the 5-year plan and then have a revision to it when the Comprehensive Plan is done. The Comprehensive Plan will take 12 to 18 months to complete.

Alderman Moore: I don't see an advantage in a delay.

Mr. Nitschke: In delaying you would have the updated Master Plan which is what the original 5-year plan was established off of. All of the new regulations from the Chapter 13 requirements, WPDES permit, established neighborhood plans that would lay out best management practices that were new and weren't in place back in 2000 when the Utility was originally established. You have a Comprehensive Plan and all inclusive plan that you can start off of. Do you do a 5-year plan knowing there will be an update to it and maybe at that time you would just update the 5-year plan making it a 7-year plan?

Alderman Moore: That could be 2010?

Mr. Nitschke: The Comprehensive Plan has to be done prior to 2010. It would be nice to complete the 5-year plan.

Alderman Hopkins: What does staff want to do? You are asking us for guidance, but you are the one that have to put it together. Is it worth working on 2 different things, are you doubling the work?

Mr. Nitschke: I believe it is doubling the work, but stormwater management waits for no one and to this point we keep moving forward and trying to improve things in the City. Stormwater maintenance is cyclical, and we never want the curve to hit us on the backside. The problem is it is very difficult to move forward without additional funding and now we are locked into what we have.

Alderman Hopkins: I suggest that we update this. I think the Committee needs something in black and white the advantages and disadvantages a certain way for the Utility and the City in general.

Commissioner Kern: There are 3 plans: The Comprehensive Plan, the Strategic Plan and the 5-year plan. Wouldn't the Strategic Plan drive what the 5-year plan is?

Mr. Nitschke: The Strategic Plan was how we want the Utility to run.

Commissioner Kern: Maybe we need to figure out the Strategic Plan and that would drive it, since we are doing what the Utility was originally meant to do.

Alderman Harenda: Are we going to include the drainage list in the Strategic Plan. Originally the Utility was set up to deal with the major problems in the City and the permit requirements.

Commissioner Kern: Some of these things have changed from what it originally was and if you are doing more things you will need more revenue.

Mr. Nitschke: We are doing more than what the Utility was originally meant to do.

Commissioner Kern: That is something for the citizens and the Utility to decide, is it worth it?

Alderman Moore: That decision has already been made. If we are 3 years behind what we are supposed to be doing, then we have a responsibility to do something about it. We need to make that decision in relation to how we solve the problem, and the only way is with money.

Commissioner Kern: You need to decide if the maintenance list is a critically important component.

Alderman Moore: It is one component. There are other things we can improve in the meantime. To say let's wait until the Comprehensive Plan is done is shirking our responsibilities. I think there are some innovative things we can do in the credit system.

Alderman Harenda: That is already incorporated in the Stormwater Master Plan update. We have offered credits in the past, and it does reduce our revenue streams and increases the burden but it is a good point. Another point that staff is bringing up, should we special assess projects? There are projects being done more or less in the older parts of the City and other residents that don't have problems are covering these costs. Strategically is that the direction we want to go? We are 3 years behind on the

drainage list because it is a new item. As the service became known, people starting calling into the City and when the Master Plan was generated a few years ago originally, there were things we were not aware of. Now we have to weigh do we do this or that or ignore it all together and let private individuals cover those costs. Are you looking at steering committees too or is this part of the Comprehensive Plan issue?

Mr. Nitschke: It is part of the Comprehensive Plan issue and there will be steering committees. We are anticipating you will be brought in the loop of the Master Plan update issues in relation to the Comprehensive Plan. The steering committees will be looking at the Comprehensive Plan. I don't know how Greg Kessler has them set out, but I know that the Water Resource Management Utility will be involved in the Master Plan update. We are looking to the Utility for funding the Master Plan updates and you will definitely be included in that. I don't know if Greg will be looking for a member of our Committee for the steering committee. Some of these questions you are bringing up will be answered in the Comprehensive Plan update, other questions we will have to figure out ourselves.

To Summarize, you want Staff to look at the following:

- ◆ Benefit of increasing the Operating Budget, both to the General City and the Utility funds. Look at leaving it the same, what type of functions would we have to cut back on, what ones would we have to eliminate.
- ◆ Black and White on Costs. Can we show a tracking of our time, of staff's time, street crews, floodplain mapping, sweeping, etc? Get a line item by line item of where costs are going on an annual basis. How will that transfer over if we want to add more services to the Utility. Will it transfer in cost savings for the City, assisting in balancing the budget for the general city and more revenue coming in for bodies for Streets crews?
- ◆ Look at the Credit System – if you remove impervious area if you are industrial or commercial you receive a credit, but not if you are residential. Should this be added?
- ◆ Look at Rate increases – recommendation to pick up some of the proposed additional services and to meet requirements.

Alderman Harenda: I agree with the information we are looking for. The concern I have, if we are spending money on Comp Plan, you told us what you will be doing internally, that is also part of the scope of work for the consultants so I don't want you to spend all of your time doing this and we will pay someone to do it again.

Mr. Nitschke: The operating part we will be covering and it won't be overlaid by the consultant. The consultant will be looking at the Master Plan and how it incorporates what the Utility is doing. When you are talking about specific Street crew time, specific projects of what they are doing, those are things we will have to do on our own.

Alderman Harenda: What is minimal core work we have to do to maintain regulatory components in the City to get our permits and maintain our status? We do all of these other things which are nice it offers an extra service to the customer. We always do more than a lot of other communities are doing, but because of what we have done in the past we received some benefits through MMSD and the DNR, there is not a downside to that. We have 2008 and 2013 requirements and there will be others to deal with after that. What is the bare minimum that we do need to provide and go from there?

Alderman Moore: One of the things you said is that we are increasing services to the people. We are really not increasing services; we are just behind in the services we are supposed to provide.

Mr. Nitschke: We have increased services that we have not originally anticipated.

Alderman Moore: I am talking about in the future.

Mr. Nitschke: There is the potential of adding additional service. The Woelfel drainage easement that we just talked about where we were asked to clear a portion of the creek that is outside our easement area, but we have been asked to assist to clean debris to prevent localized flooding in the area.

Alderman Moore: Isn't something like that part of something we should be doing?

Mr. Nitschke: That is kind of a subjective question. We are not cleaning out navigable waterways on private property – should we or should we not? That is something that the Committee needs to review and if this should be a special assessment. Should a person 20 blocks away have to pay to clean out a creek to prevent flooding in a farmer's field or yard? That is something we are looking at in the 5-year plan.

Alderman Moore: That is a good reason to look at the 5-year plan rather than wait for the Comprehensive Plan.

Mr. Nitschke: Because of added services that may or may not be needed.

Alderman Harenda: The policy of this Committee has been not to deal with private drainage issues, because if we deal with one we have to deal with all of them. We have worked with private groups when they come forward with grants to facilitate these projects, but some of these other ones are private drainage easements? We don't have a policy. When you look at private developments when they put in a retention pond, bioretention swales, the Utility doesn't want to take on that workload; we leave that up to the private individual or business owner to maintain their property. If we do it for one, we have to do it for everyone else. Further discussion is needed on that.

Alderman Hopkins: When we talk about the older part of the City and how it affects the City, Underwood Creek is one example. If we don't keep that cleared out, it does cause a lot of flooding and the water that moves through just east of Greenfield Park isn't coming from these people's properties, it is coming way west in the City.

Mr. Nitschke: There is a natural responsibility both upstream and downstream. You would like Staff looking at a 5-year plan and put more emphasis on the first couple of years and what is going to be done initial until the Comprehensive Plan is adopted. At that time we will revisit it with the understanding that our consultant will know what our 5-year plan of attack is now and will incorporate your concerns into what they are required to in our Comprehensive Plan update, and at that time at the end of 2009, they will come back and revisit this and make the 5-year plan into a 7 year plan and the 5-year plan will start up again in 2010.

Alderman Harenda: More funding will become available in 2012?

Mr. Nitschke: More funding will become available, but we will be in the rate charges from 2000 in 2010 and like we have seen in past years asphalt prices have doubled and construction costs have risen. It won't be real dollars, but we will see a benefit to the Utility in having some additional funding available. Staff has enough direction to work on this. We will present a plan of what we are doing right now but will add in questions of do we maintain navigable waterways, it is in our Master Plan, do we want to add in more than what we have added in with the community rating system, the drainage list, we have added in enough and have a big enough monster to coral in.

Alderman Harenda: The flood plain mapping too has been a big cost.

Alderman Moore: If debris is not cleared on private property, do you need to make sure the floodplain reflects that potential backup?

Mr. Nitschke: For a permanent structure yes, but for logs and general debris that is actually in the new floodplain modeling.

Alderman Moore: Does that include private property backup?

Mr. Nitschke: Yes it does, when they look at cross sectional analysis they look at stream reaches. You will see a picture of dead fall or debris or heavy vegetation along the banks that is accounted for in the analysis and holds the floodplain boundary in versus wide open and no trees, brush or shrubs and as soon as it goes over top, the moving water pushes out and pushes the banks of the floodplain further out. You would think that debris in the floodplain would cause it to spread out, but it is very localized. For the most part the floodway will carry the debris downstream and we will have to clean it out of box culverts and the like. It is analyzed.

Alderman Moore: If the people recognize they are in a floodplain because of potential downstream flooding due to debris, then in a way they can't complain about that debris, because they in fact are in a floodplain.

Mr. Nitschke: The floodplain is not set upon debris because it is moveable and changes with time, but there are specific ground cover conditions that floodplains can be established on. Nobody will be put into a floodplain because the City or property owner doesn't clean out a creek.

Alderman Moore: The flooding could be bigger than the floodplain indicated if there is debris.

Mr. Nitschke: That is where the comment of localized flooding comes from.

Alderman Moore: If that does occur then it is just the opposite what I was thinking before. There is either some responsibility to change the floodplain or the City's responsibility to clean or the City's responsibility for the property owner to clean. Sounds like we have some discussion that could be necessary.

Mr. Nitschke: The General policy in our 27755 Code is that you cannot adverse impact drainage to a neighbor. A deadfall tree is a natural occurrence, but if you stack firewood next to a creek and it washes down-stream and creates backup flooding, we do have code compliance with that. It is difficult to regulate because not each piece of log has a mark on their logs, you have a good idea where it is coming from. That is why the question of general maintenance has come up because when the creek is maintained it is not a problem.

Alderman Harenda: It is the same discussion we have regarding keeping the leaves in the fall and trying to get the residents to do it, but where does the Utility want to go on the issue of private drainage easements; it is an item for future discussion.

SW 05-07 Approval of the 2008 Operating Budget Expenditures for the Citywide Comprehensive Plan & Stormwater Management Master Plan update (tabled)

Remains tabled. This item is on the Planning Commission agenda next month and we will discuss it at our Water Resource Management meeting in August.

Motion to adjourn at 5:53 p.m. by Commissioner Kern. Seconded by Alderman Hopkins and upon voting the motion passed unanimously.

Respectfully submitted by Sue Hanley, Office Coordinator Utilities & Streets

