

**Minutes**  
**Water Resource Management Utility Meeting**  
(Formerly Stormwater Utility)  
**August 14, 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), Dr. Paul Kreutzer and Tony Goodyear (New Berlin School District) & 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 July 10, 2007 Meeting**

Motion by Commissioner Kern to approve the minutes from the July 10th Water Resource Management Committee meeting. Seconded by Alderman Hopkins and upon voting the motion passed unanimously.

Alderman Harenda reminded Mr. Nitschke to provide the Committee an update on the Woelfel Drainage Easement.

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

This item remains tabled.

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

This item remains tabled.

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

This item remains tabled.

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

This item remains tabled. This item will be discussed at the September WRM Committee meeting with an update by Greg Kessler.

**SW 13-07                      New Berlin School District Request Regarding Eisenhower Underground Detention Facility Project**

Alderman Harenda: This is wrapped into a previous item request for SW 12-07 project approved at this Committee for a construction contract for the installation of an underground detention facility at Eisenhower High School along the eastern side of the building. There are some issues regarding the easement prior to executing the contract.

Mr. Nitschke: Thanked Dr. Kreutzer and Mr. Goodyear for attending the meeting and explained the history of the project. The project has been bid out and approved and the contractor has given us a verbal 60-day extension. We met with the school district and told them what we would be doing, and the school district told us what they potentially want to do with the site, Dr. Kreutzer asked that we delay completing the construction work until they have time to finish a Comprehensive Plan for the Eisenhower facility. The proposed underground storage facility project is required for the Coldspring Road Construction project, meets MMSD Chapter 13 requirements, helps the school flooding, and is the best location to help the City downstream sizing of the system by providing additional capacity, as right now it is designed for a 10 year storm. This is not the only location that this facility can go, but it is the best location to meet a multitude of issues, the other one only meets the roadway requirements.

Alderman Harenda: We have a 60 day extension from the contractor, but the school district is asking us to delay it until spring until they work out some issues. We have the option of putting the swales in.

Mr. Nitschke: It would be a dry storage facility in the Weatherstone Boulevard median area.

Dr. Kreutzer: We are asking for a delay in order to have time to analyze their own needs at the Eisenhower facility for a field house, parking, drainage needs and traffic patterns. We don't have any idea where the boundaries would be. He emphasized that they are looking for the "right project at the right time", and they are not walking away from the project. If we work in earnest, we should be able to rule out some absolutes in the next few months after working with the architects, and then we could commit to this project in the right terms this spring.

Alderman Harenda: The concern is that if this would have to be rebid that the construction cost would go up. I agree that working in a partnership with the school district would be a benefit to both, we have a fallback position with regarding the project on Coldspring road and we do have the money allocated and keep it in that account, which is what MMSD is looking at.

Mr. Nitschke: MMSD will give us the Chapter 13 commitment as long as we have funding available to meet the Coldspring Road Expansion. We have a viable option and a secondary option to meet their requirement.

Commissioner Kern: MMSD will still approve this with the extension?

Mr. Nitschke: MMSD said as long as we have continuously available funding available and the project meets the requirements of the Coldspring Road expansion, and we are moving forward to getting it completed, they look at it as a good faith effort and meet the requirements. There are alternative locations that the City can use. If we delay and rebid, the cost may go up or down, depending on if we do the work in the off season or the construction economy. We have a new administration at the school district that wants to revisit this and meets what they need for their property. In MMSD's eyes we are still negotiating the easement.

Commissioner Kern: On the City side, besides the cost going up, are there any other issues with the delay?

Mr. Nitschke: The only issue staff foresees the cost may go up or down. We would have to rebid this in spring and want to do this when school is out of session.

Alderman Hopkins: My only concern was the added cost and asked if Staff talked to the contractor? What about an extension beyond this. I would like to cooperate with the school district and their new administration. Realizing there may be a price increase, we may not be able to build tennis courts, etc.

Mr. Nitschke: The contractor has given us a verbal extension for 60 days.

Dr. Kreutzer: We definitely understand. We are building for a 50 year future. We may lose 1-2% of inflationary cost on the project, but it is money well spent for a good design. We would like to get the plan done right the first time and save money on the back side.

Mayor Chiovatero: I have met with Dr. Kreutzer several times. The project has been approved at the Committee and it has been sitting at Council because we are waiting for an easement agreement which has to do with an indemnity clause. That's when we received a letter back from the school with 3 other demands from the School District that would cost the City over \$600,000. It is hard for him to commit this easement when that property may be the most favorable place for him to build his field house. I understand that he has some drainage issues on his property that this facility will take care of, but he also understands that it will benefit the Water Resource Management Committee as well as the school district and school property.

Dr. Kreutzer: Building the Field House and parking lot may add 30% more impervious area, there would be a question then if this is the right size of stormwater facility. He asked for a little bit of time.

Mayor Chiovatero: The 3 demands exceeded the cost of the facility. If we wait until spring, and the school district says we will go with it, but says not until you meet the 3 demands. With that I cannot support those demands. We both have tight budgets that may or may not support those demands. The Committee has to be aware that if those demands are still there, we have to go to the other site. This has been an issue for 6 years now and the item is tabled at Council and they are waiting on the easement. I have to look at the rest of the citizens of New Berlin, and if we are going to be held for the other issues in excess of \$600,000, we have to put the facility in Weatherstone Boulevard.

Mr. Nitschke: It would be a cleaner process if the school district had a plan of what they were going to need. Right now the WRM facility is sized according to what we need now, but we will have to revisit it again once the school district has a plan. We will have to come back and negotiate this again, but it will be much easier when both parties know what their goals and objectives are.

Alderman Harenda: The Mayor pointed out some outstanding issues and the school district with new management has some issues to work out. We do have a secondary site is a cost savings and by using City crews we can have the work done in the winter months. I don't see a negative by giving the district time to work out these issues.

Dr. Kreutzer: If this didn't work out, your alternative site is less costly, if the field house has to be built out front or the issues can't get resolved. It may be a windfall for the City and the risk is minimized.

Mayor Chiovatero: I don't know if it is minimized. Right now we can build a facility for \$175,000 and move on. I really want to help the school district if we can, but there are some issues we have to settle. I don't want to take a chance and wait 6-9 months and then end up going with the smaller facility as it is. When is our current contract up?

Mr. Nitschke: August 4<sup>th</sup>, but we have a 60 day verbal extension from the contractor who we have a good working relationship with. We have to decide at this meeting, they could extend, but there would probably be some minor costs involved.

Alderman Moore: What are the options were and if the contractor would get another extension.

Mr. Nitschke: We have a good working relationship with the contractor. The verbal OK from them is that we need to decide what we are going to do and what way the City is going. They could give us another extension. Since we haven't signed a contract with them and we have the right to let the 60 days expire without signing the contract, the contract will go away. There will be some small insularly costs potentially for them because they have to move forward in a good faith effort for shop drawings. We would be starting over.

Alderman Moore: MMSD says as long as funding exists, it is OK. If we have to bid, there is a possibility that the funding will not exist?

Mr. Nitschke: The funding is set aside.

Alderman Moore: What if the project was more than that amount?

Mr. Nitschke: Both project areas have the potential to meet the requirements. If for some reason this project came in at more, that would be something the City would have to negotiate. The City's requirements come up to xx amount. This facility was sized for 1 acre foot of storage. We did not need 1 acre foot of storage to meet Coldspring Road's requirements. We added capacity to it to meet the school's capacity needs in lieu of obtaining the easement and working out an agreement. That hasn't been done yet. We are taking a half step back in good faith for the school district to see what their requirements are.

Alderman Harenda: We have a secondary site that we can fund that meets MMSD requirements.

Alderman Moore: If we stay with the school project location and we have to rebid it, do we have the funding available?

Mr. Nitschke: I honestly can't answer that because I am assuming a certain bid price, it is something that Staff will be looking at. There were some assumptions in the original bid that was put in place in order to get the easement. Those may be pulled back reducing the cost to the Water Resource Utility. Those may be left in place up to the point that we have a budget. It is part of the negotiation and how the market is going to show. We can in under budget on 3 capital improvement projects in 2002 and 2003, but I don't know if that will happen again, there are a lot of variables.

Alderman Moore: Staying with the present project, will we still have funding, if we have to rebid in May.

Mr. Nitschke: We probably will not have the funding.

Alderman Moore: There is a possibility that we won't meet the requirements.

Mr. Nitschke: No, the requirements for us for Coldspring Road are less than what we have for this project.

Alderman Moore: If it comes in over bid, are we required to go back to the alternative plan?

Mr. Nitschke: That could be a possibility; it all depends on what we could work out with the school district. This facility is sized to meet the City's needs as well as the school district's needs in order to obtain the easement. That is what set the cost.

Alderman Moore: If we are delayed to the point that we have to do a rebid, is the school district willing to pay for the difference because of the delay?

Dr. Kreutzer: Absolutely not. We can negotiate on several issues.

Alderman Moore: Are the 3 items that the Mayor mentioned still demands of this district.

Dr. Kreutzer: I have not been given permission to bring those to the table and tie that to this project.

Alderman Harenda: By trying to give the school district time to work those their issues as well are our issues, we are at a standstill but we do have the secondary site as a fall back.

Dr. Kreutzer: There could be some positive issues. It is all about what is best for the community.

Commissioner Kern: The worse case scenario for the City is that we agree to go through this process and end up with the secondary site. The risk is that this specific project will go up, but the fall back is the Coldspring site.

Mayor Chiovatero: The school district is asking for \$600,000 more in additional demands besides the \$470,000 cost. Why don't we do the secondary site now, otherwise we have to wait until May or June. Are we willing to pay 3-4% more, this issue has been on our plate for a long time. I support the site at the school, but I want you to be aware of the facts. Do we wait and take a chance or close the project out and do the project on Weatherstone Boulevard for \$175,000 now?

Alderman Hopkins: What is best for the community? We can't afford the 3 demands of the school, but with a new administration at the school, I think we ought to take a chance with good faith negotiations.

Dr. Kreutzer: That is exactly what we are looking to do.

Alderman Moore: I am new to the Committee, was the alternative facility was discussed previously?

Mr. Nitschke: We have not discussed the alternative facility at this level but we have the preliminary designs at staff level, and we don't think it is a worse case scenario. We could get a good bid in the winter months and our crews could work on it to save money. The worse case would be trying to ram the project through after negotiations fail. We have a back up and this is a good faith effort from the Committee and the City for the school district to get their ducks in a row.

Dr. Kreutzer: We will be aggressive in our meeting schedule and hopefully have answers before our budget cycle and the design by February.

Mayor Chiovatero: The alternative site is not designed or bid yet, when could this be completed even if we start right now?

Mr. Nitschke: Staff has the designs and details of the outlet structures in place, but we would need a permit from the DNR, some other details and bid documents.

Alderman Harenda: I met with staff and the Mayor a year ago about the alternative site. It is cheaper. We could drop this from the agenda at Council. We are looking for formal action to respond back to the school district for their request. You are shooting for February of 2008.

Dr. Kreutzer: That is the goal, but it may be late spring before a decision is made. If you could give us an extension until April 1<sup>st</sup>, that should be sufficient.

Alderman Harenda: When was this project bid out last time?

Mr. Nitschke: June. If we went with the alternative site, we may want to wait until October. If we went with the Eisenhower option, we would like to bid in May so that we could do the project in summer, since it will take 60 days to get a substantial completion date for a project this size.

Alderman Harenda: Could we get feedback from the school for the next 6 months?

Dr. Kreutzer: We can give you updates monthly.

Alderman Harenda: We could put a drop dead date no later than May 1, 2008.

Alderman Moore: What if there is a big rain in spring?

Mr. Nitschke: The facility for Coldspring Road bypasses where the underground facility would be right now. It is fully functional and it operates according to the design standards that were designed for the downstream system. It handles the 10 year storm and handles the 25 year storm but in a surcharge

condition. Those were the old standard in the 90's for downstream systems. That is why we went all through that easement to the east of Sunny Slope to make sure that if this facility didn't get in right away, the rain could be handled. The water goes downstream through Kelly Lakes and eventually to the Root River.

Alderman Moore: Is there any pooling?

Mr. Nitschke: There will be no pooling; however there are water quality concerns and we installed inlet filters along Coldspring Road.

Alderman Moore: There was some pooling along Sunny Slope south of Coldspring?

Mr. Nitschke: That goes away; however, in a very heavy rain even that will be back with pooling in that easement area, we didn't completely take that away.

Alderman Moore: If we build the alternative site and spend \$175,000 would that go away?

Mr. Nitschke: There will always be pooling at Sunny Slope, it just depends how much rain it is going to be. Right now it is at greater than a 25 year storm. If we added this underground storage facility, it would be somewhere between 25 and 50 year storm event. If we don't it will stay somewhere around the 25 year storm event and Weatherstone will see more of a benefit of the facility on Weatherstone.

Motion by Commissioner Kern to approve the request from Dr. Paul Kreutzer, New Berlin School District Administrator requests delaying the Eisenhower Underground Detention Facility Project until May 1, 2008. Seconded by Alderman Hopkins and upon voting the motion passed unanimously.

Motion to adjourn at 5:37 p.m. by Mayor Chiovatero. Seconded by Commissioner Moore and upon voting the motion passed unanimously.

*Respectfully submitted by Sue Hanley, Office Coordinator Utilities & Streets*