

Minutes
Water Resource Management Utility Meeting
(Formerly Stormwater Utility)
September 11, 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 4:49 pm by Alderman Harenda. Roll call and declared a quorum with all members present.

Old Business

SW 01-07 Minutes from August 14, 2007 Meeting

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

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)

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

Alderman Harenda: Previously we had discussed this item and received updated information from staff. This is the additional breakdown of what was presented to the Plan Commission last night.

Mr. Nitschke: The approval of the Comprehensive Stormwater Master Plan update includes combining the Comprehensive Plan update that the General City fund is going to be doing along with the Water Resource Utility Master Plan and utilizing the resources of the consultant and 3-dimensional water resource planning to update both plans at the same time. The Comprehensive Plan is required to be updated by the State and in doing so there are stormwater components that will be updated. This is a perfect opportunity to update our Citywide Stormwater Management Master Plan which has not been updated since its conception in 2000. Originally when we were going over the amended 5-year plan in 2005-2006, Staff had estimated the cost of updating the Master Plan for the Water Resource Utility would be \$175,000. By piggybacking the project with the Comprehensive Plan update, we have been able to

negotiate a fee of \$120,000 with HNTB Corporation. The fee for HNTB; however, is not a total amount of the update that will be done. PDI will be using other firms to look at Best Management Practices throughout the City and make recommendations on the work that will be done in that light by AES which is an environmental firm, and those recommendations will also be taken by HNTB and included in our Master Plan update. The account that we would be requesting the funds to be drawn from has traditionally been used for projects like this. The drainage account was used to do the design of the Buena Park project before it became a capital improvement project, the Industrial Park Stormwater Quality Master Plan, the Mischo property purchase, the floodplain updating and LOMAs that have been an ongoing process especially this year with our work with FEMA.

Alderman Harenda: I met with staff a few weeks ago and had some concerns. We went over the 12 points on the attachment A, we are referring to Preliminary Attachment A is the Scope of Services for this which will be part of the HNTB Corporation regarding the update. What is not included in this but is included in the packet is the other component that is part of the Comp Plan that AES is going to be doing which incorporates some of the things that HNTB will be doing, but will benefit the Utility for years to come, such as elements such as infiltration.

Mr. Nitschke: It is Exhibit C.

Alderman Harenda: There are some issues in here that I thought Staff could do internally, but when discussing it with them, there is an involvement with a number of things in here that would be beneficial that HNTB can provide the Utility to reduce prices, instead of going out a year from now and increasing it to well over \$175,000 or greater, but the benefits that AES is that portion of the Comp Plan can benefit the Utility as the environmental issues that we have to deal with in years to come. We can improve some of the deficiencies in the Master Plan as well as update it, but on #12, it says 10 meetings with Staff and 15 Public meetings. Is that part of the Comp Plan or as part of the Stormwater Master Plan?

Mr. Nitschke: This is specifically for the Stormwater Management Plan update. They will be doing the 15 public meetings as part of the Comprehensive Plan, the neighborhood planning. We were going to identify neighborhoods that have specific stormwater concerns that HNTB should be a part of. I don't have the exact number in front of me, but there were close to 30 meetings that are going to be done with the Comprehensive Plan. HNTB will not be a part of all of those meetings, some of them will not have very much in relation to stormwater management, but they will have 15 public meetings and 10 meetings with Staff. The formal presentations will be both in front of Plan Commission, the Water Resource Committee, CDA and Council.

Alderman Harenda: This involves elements that they are specifically dealing with, we want public input on this, but there are a lot of meetings and we are taking information that we have acquired over the last 5, 6, 7 years and incorporating that into what was done previously in 2000.

Mr. Nitschke: Yes.

Alderman Harenda: The other question was the funding options. We are basically dedicating a portion of the 2008 budget for this but it has not been approved yet. We have gotten over that hurdle regarding going ahead with your requested action here?

Mr. Nitschke: Yes. In the proposed budget which you will see as a later item, we had \$155,000 budgeted in the account, so there will be a remaining \$35,000 in the 59060 account. The account this year has been used heavily for floodplain administration which we do not anticipate a need for next year and there are not any specific projects identified over and above the Comprehensive Plan and Master Plan update.

Commissioner Kern: The idea of saving approximately \$50,000 is a good one, but will you be getting roughly the same quality plan. Is there something less that you will get with this plan than what you would with a stand alone?

Mr. Nitschke: That is a good question. I do believe we will be getting the same quality plan with the \$120,000 as the \$175,000. Now do I think if we spend the \$175,000 could we add a lot of extra stuff?

Commissioner Kern: Is there something significant that might be missed?

Mr. Nitschke: No. \$120,000 covers what Staff had estimated would be covered in the \$175,000. There is always something that it would be nice to add, but this is the meat that is needed in the Master Plan.

Alderman Harenda: Piggybacking with what AES is doing as part of the overall plan, they are doing a lot of things that will be discussed here and at the Plan Commission, as well as the Utility. That is why we changed the name of Stormwater Utility to Water Resource Management Utility because we are not only dealing with quantity issues, but quality issues, infiltration and other issues. Do you think we are getting more with this?

Mr. Nitschke: Yes we are. The City was required in the Comprehensive Plan to add a certain component which AES is covering at a cost of approximately \$30,000. If we weren't going to piggyback it with the Comp Plan, we could probably use it in the future, but it may need to be updated and that would be an extra expense on top of the \$120,000. By doing the two together, the Utility is spending \$120,000, the City per its own requirements is covering approximately \$30,000 and we are still saving money. Staff is requesting to take action now; it will go to Council on the 25th of September.

Mayor Chiovatero: Last night at the Plan Commission, the 2020 Comprehensive Plan was approved and will be sent to Council on September 25th. One of the components was the \$120,000 that would come from this Committee, and they will bring both of these before Council at the same time.

Motion by Alderman Hopkins to approve setting aside funds in 2008 for completion of the New Berlin 2020 Comprehensive Plan. The funds contributed by the Water Resource Management Utility shall be used for updating the Stormwater Management Master Plan in conjunction with the Comprehensive Plan. The cost is to be for an amount not to exceed \$120,000. The funds are to be charged to Drainage Account 70710710 59060. Seconded by Commissioner Kern and upon voting the motion passed unanimously.

SW 14-07 Approval of 2008 Water Resource Management Operating Budget

Alderman Harenda: We are not on a timetable to push to approve this; we have some time to review it correct?

Mr. Nitschke: Absolutely. In the past the WRM Utility has approved its budget earlier than Council so that it is on the table so it knows what it is working with. The budget from 2007 to 2008 is very close to being the same. There were small changes made, some of the biggest ones were:

- Administration Charges for the Maintenance of Vehicles 54020. In 2007 there was no funding. We are requesting \$15,000 in 2008. The big reason is the new street sweeper. There is maintenance not covered under warranty. When you pound the pavement for hours and hours, the brushes wear out and in some areas that we have to request that the Street crews use polyethylene brushes instead of steel which wears out very quickly. This covers those maintenance costs.

- Gas, Oil and Lubricants. In 2007 there was no funding. In 2008 there is \$12,000. This was by direct request of the Street Department. Staff here has seen the issues that they have in trying to keep up with the cost of gasoline and maintenance and we do need fuel for the sweeper and other vehicles and equipments the crews are using for culvert maintenance and stormwater work.

Across the board there are standard increases for labor and services. We reduced the training budget and will continue to do so; however, the training we do look at includes best management practices, bioretention swales, filters, wetlands, rain gardens, all of the items that we use for development review and the water resource utilities purposes for the doing 3-dimensional water resource planning ground-water recharge as well as water control and water quality, the conferences can be in depth and usually not in the area. I am hoping that when the hotel project gets built, because it is such a stormwater

components that we may be able to get the Stormcon conference to come to our City. It is an expensive conference, but has helped in setting up our best management practices, purchasing our street sweeper, and developing relationships with the DNR because they do go to those conferences.

Alderman Harenda: The only other substantial reduction was on the 59060 account where the Stormwater Management Plan update is coming from, but is that going to taking away from any of the projects?

Mr. Nitschke: It is not going to take away from any projects. The only reason that it was as high as it was is that we anticipated the SLAMM analysis cost which came in well under budget, as well as the floodplain administration. We were not quite sure how much it would cost to do FEMA's work of the floodplain mapping, so that is the reason for the higher amount in the 2007 budget in the 59060 account.

Alderman Moore: Are we still years behind on the drainage list?

Mr. Nitschke: Yes we are.

Alderman Moore: Does this budget address the fact that we are behind?

Mr. Nitschke: It does not.

Alderman Moore: Wouldn't you want a budget that addresses that?

Mr. Nitschke: We tried that last year and it didn't get approved and we understanding the climate that we are in right now didn't want to press the issue 2 years in a row. It was approved at the Water Resource Committee level, but it was not approved at Council and that was requesting an additional person for the Streets crew to relieve having to run the street sweeper and do the drainage list component. The way it was approved at this level was that the WRM would pay for a portion and the Street Dept would pick up the remainder of it to share the position, as it would have been used for plowing in the winter and stormwater components the rest of the year. Our Streets crews have been down in manpower.

Alderman Moore: To me, if the need is still there, I would want to put it back in the budget.

Mayor Chiovatero: That position was to be ½ from WRM and ½ from the Street budget. A patrol worker was justified and passed, but the worker from here was not. We have interviewed and gone out to hire this patrol worker who was supposed to start on July 1st. We do have a candidate but I held off hiring of him because of the budget constraints of the 2008 budget, because if the proposed budget that the Council has been pushing goes forward, to hire someone in January and have to lay him off as well as other patrol workers. We are holding off on this right now, because that position would have to be funded 100% by the Street Department next year, and that would be a significant increase in their budget.

Mr. Nitschke: Our Streets crews for the last 3 years have been running leaner and leaner than ever before. The drainage list is only one component of what they do, and I can honestly say that this year I have been very impressed with some of the other projects that are not drainage list projects, but are general maintenance list projects. Some of the culverts that they replaced were major culverts that were identified in the Master Plan as needing to be replaced. They required DNR permits and substantial construction and those types of projects are getting done where they were not in the past. I have been very pleased where the Streets crews have come from and what they are doing, and I believe they are functioning at 110% capacity. Our City engineers are seeing that we still have requests from Staff on general maintenance items that still need to be done that are not drainage list items, and our Street crews are doing a nice job balancing working on the drainage list and the other items not on the drainage list done.

Alderman Moore: Is your list getting longer and later and shorter and sooner?

Mr. Nitschke: Longer and later.

Alderman Moore: Even though they are doing a good job, you are getting farther behind.

Mr. Nitschke: They are doing a good job and getting farther behind. I almost attribute it to being a good thing because the word there is a service and when people find out about it they want to get on the list. That means it is working, but on the back end of that, there is more work to do. We have had an established number of street crew workers, and it hasn't grown, but actually has been reduced.

Alderman Moore: Do you need a half a person or a full person?

Mr. Nitschke: I could use more than one person. Last year what we proposed was that we go halfway. We could use a full person but that decision is definitely out of Staff's hands at this point.

Mayor Chiovatero: What has been happening on the Street issue is that everyone is worried about their streets being plowed, so that is kind of controlling the amount of personnel we have in the Street Department. We have a lot of street work that has to be done that is getting delayed as well as the ditching work. Last year we proposed to add a full person, we had lost a person to retirement and did not replace him, and the compromise was that we would share him half and half and try to catch up on some things and still maintain the plow staff. I can tell you right now there will be deficiencies in the plowing as far as how fast it will be done. We did have some issues last year as they went through some areas with a one pass over and then doing the main streets, and coming back the next day or following day. Living in a cul-de-sac I know to the extent that my cul-de-sac didn't get plowed as quickly, but it was no big deal, we could get out of our driveways, but the next day when they came to clean it up it was frozen to the ground. It makes it tougher for them. It is a budgetary issue. This body did approve the half person, but when it went to Council it was taken out. The half person was put on for Streets, but I am hesitate to hire him, because I don't think it is fair to bring an employee on board and then have to let him go in January. I think at this level we should fund it, but I am concerned about this year's budget because we are facing \$1.4 million in uncontrollable costs in the 2008 Citywide budget and I don't know where we will get that.

Alderman Moore: Our job is to serve the City from the Water Resources Management level and I would request staff to add another person to try to decrease the long list.

Alderman Harenda: Staff can present that at the next meeting. Looking back, I think I was the lone vote against adding a half person last year, not because I didn't think we needed another body, but there were discussions in previous years of the direction we were going. Regarding the drainage list, this is something that evolved over the last 4-5 years that was never intended to be part of the Utility, but is now embedded in the Utility and it would be difficult to pull back from that without creating other problems in the Committee as well as what residents expect from this Utility. So if you are requesting staff to look at it, I don't have anything against that, the Mayor is correct in saying there are issues that are pressing.

Commissioner Kern: If you don't get the additional staff, what is the best estimate on the headway that you have been making in years past?

Mr. Nitschke: We have stayed pretty steady between 50-60 drainage list projects. It is a first in first out based on category, highest priority being catastrophic flooding and safety, and lowest category being I have standing water in my ditch but it handles 25-year storms, so it is more of a general nuisance. What is happening is the top of the list is being taken care of and the nuisance problems are building. Every once in awhile a nuisance problem will kick in to a higher category based on the fact it has not been made, but for the most part the smaller issues are staying. Will the City continue to function? Absolutely. Will the drainage list grow or stay the same? Most likely and what is happening is the problems are moving to the point where they need to be taken care of when the roadway is reconstructed. Case in point is Coldspring Road, the ditches weren't touch before this, and we spent a lot of money on stormwater management to make sure the road was set and functioning. Another case is Calhoun Road where we have flooding issues and water quality issues and for the most part the Streets crews cannot address those, including flooding on Fullerton, by the railroad track, on Lincoln Avenue and Glendale Road. The Streets crews can only do so much until the roadway is reconstructed.

Commissioner Kern: If you think of it as a 3 year list, it has some anxiety, but if it is a 3 year list of “nice to have” vs. critical, that is a whole different thing. It is not a 3 year thing of critical projects; many of those are water in the ditch type issues.

Mayor Chiovero: It depends on whose eyes you are looking from. I get calls continually after people talk to Eric and Cathy and are told you will be put on a list and it may be 3 years before the work is scheduled. They come to me and yell to me. The other issue I want to say is that if we don't hire this patrol worker, the Streets crew will be down another person and everything is going to suffer, the plowing, streets issues and probably will affect the ditch projects.

Alderman Hopkins: The monies are there for the person correct?

Mayor Chiovero: Yes.

Alderman Hopkins: I understand why you are not hiring and I agree with that. If we get to the point where we can hire that person, fine, but I would agree with Commissioner Kern and I don't remember voting against many things on this Committee, but I don't think I could vote to add another person. When I take a look at the big picture and look at the affects that it will have on the budget down the road and other departments. I think we would be spinning our wheels trying to do that at this point.

Mr. Nitschke: Staff could take another look at what we have in the budget and see if we can come up without funds to do the full project. Cathy and I will look at contracted services again and see where we are at. We normally use the contracted services for surveying work and this was very high because of the floodplain, but we may be able to squeeze the other half out for a full person just from the Utility so that it doesn't affect Council's budget, but we would have to show that we are not sacrificing anything else for you in the future, and when I say the future, out through 2012 when our debt service is eliminated and we are back on track for paying as we go.

Alderman Harenda: If you are going to look at an extra person, justifying that. We have done that with road maintenance by lumping all of these miscellaneous projects and have them done by an outside contractor to save money by not adding internal people. We are dealing with the update of the 5-year plan, and comp plan and stormwater management plan. You are right word is getting out there, people pay the \$15 per quarter fee and say what am I getting for that? A lot of projects that we are doing, the residents would take years to pay back for the service that is provided by this Utility for doing some of these smaller projects. We will retire some of our debt by 2012, but the drainage will potentially increase and possibly put all of the smaller projects together that are critical and bid that out as more of a mass scale versus having to hire additional personnel just to knock the list down.

Mr. Nitschke: Would the Committee be against Staff looking at with the 5-year Plan update with the drainage list, there is a little bit of angst about how this is growing and how can we cap it off, in looking at some of the options that we have in charges and fees, more specifically some of the nuisance drainage list problems – I've got poor grades in my ditch but it is because I blow the lawn clippings into the ditch, I want the City to do something. Maybe we do put them on the drainage list but there is going to be a small fee that is associated with it. You have asked us in the 5-year plan to look at both credits to the Water Resource Utility fee and the fee schedule. Maybe that is something that needs to be looked at to limit how things are doing, I'm not saying to do it but to at least bring it forward for discussion. I have had the conversation with many residents. One resident in particular wanted to know how come we couldn't drop an inlet grate another 6 inches so that his riding lawn mower would go over it smoother and when I explained the cost to drop the inlet would take him 20 years to pay for if we put it on the drainage list, we really don't want to put it on the drainage list. He is kind of starting understanding what the costs were and he said he could deal with the bump bump when I go over the inlet. That type of thing, those requests maybe can be dropped off the drainage list if those people realize it is really fairly non-essential item that needs to be done. If I want it done I will pay the extra \$500 to get it done, but if I don't, well those items drop off the drainage list. Just a suggestion that we take a look at it because it sounds like we are having some tug of war on where we want the drainage list to go.

Alderman Harenda: I have come to the same thought, why should I pay for someone else's work if they are the only person getting the benefit for it. If Staff has other alternatives, please bring it forth and we can determine what direction we want to go.

Mr. Nitschke: We will give you some line items on that and give you some standards that our drainage list is set up for and if it is above that established standards, whether it be aesthetics or just general, hey I have a problem riding over it with my mower, we will see how that works.

Alderman Harenda: We have done that with the ordinance changes that it is the responsibility of the homeowners to take care of the ditches, and we don't see the general issues and we save the City and the Utility money.

Mr. Nitschke: We have seen a significant drop in culvert replacement since we have established that culvert policy.

Alderman Harenda: This will give us time to review the budget and talk to staff. We can discuss this at the next meeting with Staff's suggestions.

Mr. Nitschke: Overall it seems pretty manageable.

Alderman Harenda: The Utility locate reimbursement I am not happy with as it takes away from other projects, but we have to live with it.

Motion by Alderman Hopkins to table Item SW 14-07. Seconded by Alderman Moore and upon voting the motion passed unanimously.

SW 15-07 Award of Contract for Citywide SLAMM Analysis

Mr. Nitschke: The requested action is to recommend to Council to award the contract for completion of the SLAMM Analysis for the City of New Berlin to Bonestroo in the amount of \$26,960. The fiscal impact with contingencies is estimated at \$31,004. Source of funds drainage account 70710710 59060. The amount set aside in the account was \$70,000.

The Rationale: The City of New Berlin Municipal Storm Water Discharge Permit #WI-S050059-1 requires that water quality analysis be completed for the City by the end of this year using a DNR approved methodology such as SLAMM (Source Loading and Management Model). This analysis will assess the City's progress toward compliance with the 20% reduction requirement that must be attained by October 1, 2008. The work will estimate annual pollutant loads for developed areas of the City. Sediment as represented by Total Suspended Solids (TSS) and other pollutants will be modeled according to permit requirements and current WDNR guidelines.

Bonestroo will be supplying the gap analysis required for 2008 and 2013 requirements if we fall short of the 20% they will be providing some suggestions, either additional street sweeping or other methods to meet the 20% and also providing the gap analysis to meet 2013. The RFP's were from the mid 2000's to \$102,000. We were pleased with all of the RFP's but especially impressed by Bonestroo's proposal and their bid.

Alderman Harenda: This will give us a good indication of how close we are to our 2008 requirements and in prior discussions Staff was comfortable that we would meet those requirements. It will also give us an idea of how close we are to the 2013 requirements. So Bonestroo will just take a look at the information that we collection and pour it into the model and it will spit out a bunch of numbers or is it a little more complicated than that?

Mr. Nitschke: Sure. They will have to recalculate the model, because it is an old model, so they will take all of the numbers from the original SLAMM Analysis for the Stormwater Management Master Plan, but

