

**Minutes
Water Resource Management Utility Meeting
(Formerly Stormwater Utility)
New Berlin City Hall - Council Chambers
3805 S. Casper Drive
September 18, 2006**

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 Roger Hegeman, and Mayor Jack Chiovaturo

Excused: Commissioner Jim Kern

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

Meeting called to order at 4:31pm by Alderman Harenda and declared a quorum with all members present except for Commissioner Kern who was excused.

SW 01-06 Minutes from August 8th Meeting

Motion by Alderman Hopkins to approve the minutes from the August 8th Water Resource Management Committee meeting. Seconded by Mayor Chiovaturo 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)

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 17-06 Approval of 2007 Water Resource Management Utility Operating Budget

Motion by Alderman Hegeman to remove this item from the table. Seconded by Alderman Hopkins and upon voting the motion passed 4 to 0.

Mr. Nitschke said that he included the estimated costs for the 59060 Drainage account and the Slamm Analysis. Alderman Harenda asked if the illicit discharge screening is where the City is done in thirds and part of the WPDES requirement. Mr. Nitschke answered yes. He also said that the Fullerton Avenue project is completing the purchase of the Mischo property, some of which may be grant funded, and that the Public Education project is part of the WPDES permit requirement, best management practices and low impact development. Mr. Nitschke discussed the 2007 Operating budget and answered the

Committee members' questions. He said that there was \$60,500 in the 52132 account, which is reflected in the general City budget, but does not show up in the account the Street Department uses for street sweeping and stormwater labor. Alderman Harenda said that the account should be 52130.

Mr. Nitschke noted that staff had included a split 50/50 position with the Street Department for an Operator that would do the stormwater street sweeping 50% of the time and plowing and work for the street department 50% of the time.

Alderman Harenda said he would like more history of the sweeping statistics before he agrees for this extra part time position and that he would rather put the \$34,000 into the drainage account for upcoming projects. He added that last year the account was increased 17% to cover the operator costs and feels the City is being pushed by the state to comply with these unfunded mandates.

Mr. Nitschke said that it is Staff's position that under the mandate from the state, the DNR is cracking down on this policy. He said we could delay this, but urged caution. In 2008, the process is to have the sweeping data analyzed and look at purchasing a 2nd sweeper. Mr. Nitschke said that we need to have a designated operator, and that staff feels that an additional person is needed to receive the full credit, especially in the 2013 requirements. He added that unfortunately we are constantly trying to balance economics and requirements, but staff feels that we can make the 2008 permit requirements based on what we are doing now.

Mayor Chiovatero said that several new positions were asked for in this year's budget. He had the pleasure of working with the Street crew on a job and the problem is that more employees are needed for stormwater projects and agreed that the Street department needs an additional patrolworker with the added roads to plow snow. He suggested the split may be 60/40 due to the mandates. Mayor Chiovatero said that every single vacancy in the City is heavily analyzed to see if the position can be divided among other employees, eliminated or is required to be filled. He said that he has talked to some of his counterparts, and that some cities don't even have a Stormwater Utility or fees yet, and are behind the curve trying to meet state mandates. He expressed concern about delaying the purchase of the street sweeper in 2007 and pushing it back to 2008.

Mr. Nitschke said that the City of New Berlin is ahead of the game and are working to meet requirements, and because of this, we have been afforded leeway in other areas of the City and have a good relationship with the DNR permitting area. Mr. Nitschke said there are many benefits to be Proactive vs. Reactive.

Alderman Harenda asked if Eric had talked to Mike Holzinger, the Finance Director what our cost would be to keep the remaining \$250,000 in the Buena Park account. Mr. Nitschke answered that he had not talked to him directly, but based on past projects, the fee is minimal. Alderman Harenda asked Mr. Nitschke to email him with the information.

Alderman Harenda said that the budget for sweeping was increased last year, and based on the information provided that it would take 1000 hours of sweeping time to traverse the City streets twice a year, he would rather see other areas, such as drainage funded.

Motion by Alderman Harenda to remove the wages for the 50% employee \$34,145 from 52130 Streets Labor account and move it into the 59060 Drainage account for stormwater ditching projects. Seconded by Alderman Hegeman and upon voting the motion failed 2 votes to 2 with Mayor Chiovatero and Alderman Hopkins voting no.

Motion by Alderman Hopkins to recommend to the Common Council approval of the 2007 Proposed Water Resource Management Utility Budget. Seconded by Alderman Hegeman and upon voting the motion passed unanimously 4 to 0.

Alderman Harenda said that the Committee will forward the budget as is, but he will take up the Operator position with Council. There are no Capital Improvement Items on the budget.

SW 19-06**Water Resource Utility Reimbursement for Utility Locating Services**

Motion by Alderman Hopkins to remove this item from the table. Seconded by Alderman Hegeman and upon voting the motion passed 4 to 0.

Alderman Harenda said that this item was brought forth by the Utility Committee to reimburse for locating services.

Mr. Nitschke said Jim Hart sent an email sent to Alderman Harenda and Greg Kessler regarding the breakdown of Utility locates in 2005.

Alderman Harenda said that the email stated that 3,592 of the 4,837 locates in 2005 included stormwater locates. He said that Mr. Hart stated that he had tried to call a private contractor SMP three times for a quote on their charges to perform locates, but his calls were not answered; however, he reported that Don Ullman at Streets pays Outdoor Lighting \$80/hour to locate underground wiring for signal lights and street lights. Alderman Harenda said that the Utility is asking for a reimbursement of \$20,000 per year for locates they are doing for this Utility, and that they are trying to recoup their expenses, but he would like to make a motion to deny the request. Alderman Harenda said that the Utility has been doing the locates for years, but do want to recoup their expenses; however the Stormwater Utility is expanding and taking on more issues that was originally intended, and perhaps in future years we can look into this, depending on the budget.

Alderman Hopkins agreed that the Water Resource Management Utility has taken on more and more issues.

Alderman Hegeman asked what will the Utility do if we deny this motion, will they bill us? Alderman Harenda said that this is the bill and that basically they would continue to keep doing what they have been doing and not charge us for it. It is something that is being absorbed into their Utility budget.

Mr. Nitschke said that there are a lot of issues that the Water Resource Utility has taken on more than we want to, and have taken care of on the Utility side such as equipment. He added there is some overlap in services provided by various departments, such as Utility crews assisting with the rain event last Tuesday, and Street crews helping with Utility projects.

Mayor Chiovero said that the Utility had done the locates for Stormwater, and agreed to look at this issue to make sure costs are borne and shared by the right department, but will support the motion to deny the reimbursement at this time.

Motion by Alderman Hegeman to deny the reimbursement of \$20,000 from the Water Resource Management Committee to the Utility Committee to cover the cost of labor, vehicle charges and materials for Digger's Hotline locate requirements. Seconded by Alderman Hopkins and upon voting the motion passed 4 to 0.

SW 20-06**Professional Service Contract for the Industrial Park Drainage Easement Final Design**

Mr. Nitschke said that the requested action was to recommend to approve the awarding of the Professional Services Design Contract, for the Industrial Park Drainage Easement, to HNTB Corporation. The funds for the Design Contract are to be charged to account 04251171 61716 C2004.

Mr. Nitschke read the rationale. The Industrial Park Drainage Easement just north and east of Lincoln Avenue has been documented to have significant drainage and flooding problems over the past 15 years. Currently, the easement is undersized to handle the amount of storm water flows directed toward it. In order to complete construction prior to the 2007 spring rains, Staff is looking to award the final design contract to HNTB Corporation. HNTB is the firm most familiar with the drainage problems in the Industrial

Park area. HNTB is currently working with Bloom Consultants on the Calhoun Road Project, and HNTB also completed a preliminary design for the drainage easement in 2005 as a part of the Industrial Park Water Quality Study. In the Industrial Park Water Quality Study, HNTB completed the project ahead of schedule, under budget, and provided an excellent product. Staff's recommendation to award the professional design contract to HNTB is due to HNTB's knowledge of the area, their track record, and the critical time frame for completion of the drainage improvements.

Mr. Nitschke said in the packet was the Draft of the Consultant's Proposal, the time schedule for design and moving forward with bidding and construction. He said that it is the general policy of the Committee to bid design project but because of the timeframe with the holidays to get approvals of the Committee and the Council, the project would be pushed back to April. He said that HNTB has started the design and crews are ready and can install cross culverts in the winter months. Mr. Nitschke said that this project should be pushed through because of the problems in the Industrial Park, shown in the recent rainfall event where the easement flooded out against the loading docks on Lincoln and Calhoun.

Alderman Harenda asked what the budgeted amount was. Mr. Nitschke answered that there is none listed because if the Committee asks for the project to be bid out, Staff would like HNTB to be part of the design group, and it would be unfair to list their amount at this time. Mr. Nitschke said that the amount for the design and construction would be under the \$250,000 left in the account from Buena Park.

Alderman Harenda asked if sampling had been completed. Mr. Nitschke said that HNTB did the sampling along the roads to verify the bioretention swales, but had not done any in the easement.

Alderman Hopkins said that he knows the flooding that took place and it was his contention during the past 3 years that the Utility has not done much for the Industrial Park. Mr. Nitschke said that one property owner tried to get out of his driveway and the front end of his car floated.

Motion by Alderman Hegeman to recommend to Common Council to award the Professional Services Design Contract, for the Industrial Park Drainage Easement, to HNTB Corporation. Source of Funds: Account 04251171 61716 C2004. Seconded by Alderman Hopkins and upon voting the motion passed 4 to 0.

Mr. Nitschke said that the amount of the design contract would be brought to the Common Council meeting by Staff.

Alderman Harenda said that in the future he would like contracts to be bid out, but because of the limited funds and the history of HNTB with this project, as well as time constraints he would accept this.

SW 21-06 Update of September 12 Rain Event

Mr. Nitschke gave a PowerPoint presentation to the Committee. He said that after 4 days of steady rain, the City experienced 1.5-2.5 inches of rain in various parts of the City, primarily between 3:30 p.m. and 5:00 p.m. on September 12th, with a recurrence level of a 25-year storm. He thanked Streets and Utilities crews, Police officers, Engineering and Planning staff, as well as Aldermen who assisted. He said that most of the flooding occurred in the North and East portions of the City. Mr. Nitschke said that with the new GIS system, Staff can link photos of this rain event, map and log the locations.

Mr. Nitschke said that areas where projects have been completed by the Water Resource Utility functioned as designed. These areas include Buena Park, Gatewood Subdivision, Coffee Road, Inez Drive, Malone Park and Marquette Drive.

Alderman Harenda asked if there was any property damage. Mr. Nitschke reported some flooding occurred in the easement located just north Lincoln Ave and east of AAA Grinding in the parking lot area where the water went up to the loading docks. He added the driveway culvert is undersized and Staff is working on this now.

Alderman Hopkins thanked crews from Streets and Utilities, Police and Staff.

Mayor Chiovatero said that the WRM Committee is doing its job and can't imagine what it would be like if we hadn't done the work that we have accomplished so far in the stormwater management area. He said that he receives compliments and people are seeing a difference, and had received no complaints about flooding.

Mr. Nitschke said that there are 7-8 areas that are closely monitored, and that Gatewood and Buena Park had no water in yards or basements, so we know that the work completed there has helped with flooding issues. He said that Staff has identified and is working on 4 other areas; Coffee Road, Underwood Creek, Parkwood Lane and the Industrial Park, and we are moving forward with design and construction for the Industrial Park.

Communication: Marquette Drive

Staff received a letter from Mr. Schaeffer at 12525 W. Marquette Drive who thanked Staff and crews for their work on his drainage problem. Mr. Nitschke thanked Cathy Schwalbach who deals with all of the citizen concerns on a professional and personal scale and does a great job and has good ideas. Alderman Harenda and Alderman Hopkins thanked Staff too.

Motion to adjourn by 5:26 p.m. by Alderman Hegeman. Seconded by Mayor Chiovatero and upon voting the motion passed unanimously.

Respectfully submitted, Sue Hanley, Office Coordinator Utilities and Streets