

**Minutes
Water Resource Management Utility Meeting
(Formerly Stormwater Utility)
New Berlin City Hall - Council Chambers
3805 S. Casper Drive
October 10, 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 Chiovatero, Commissioner Jim Kern

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

Guest: Mr. Mark Hilgemann, 3880 So Pohl Drive.

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

SW 01-06 Minutes from August 8th Meeting

Motion by Alderman Hopkins to approve the minutes from the September 18th Water Resource Management Committee meeting. Seconded by Commissioner Jim Kern 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 22-06 Award of Construction Contract for the Underwood Creek Rehabilitation Phases 1A and 1B

Mr. Nitschke said that the Requested action was to recommend to the Common Council the awarding of the Contract for the construction of the Underwood Creek Rehabilitation Phase 1A and 1B to the lowest responsive, responsible Bidder, CW Purpero, Inc. in the amount of \$538,141. The total cost of Phase 1A and 1B including construction, administration, contracted services, and contingency is \$644,641. As you all are aware this project has been ongoing, we have received and it is in your packets a letter of recommendation from Crispell-Snyder to move forward with the contract to CW Purpero and Phase 1A and 1B include the cleaning up of the Underwood Creek channel area from fallen debris, dead, dying and

diseased trees, as well as debris, trash removal and the trash rack replacement on the box culvert at Meadow Lane and cleaning out the sediment under the box culvert underneath Meadow Lane. Phase 1B is the Rock alley porous pavement and drainage designing that works with the drainage on rock alley in conjunction with the Underwood Creek project.

Alderman Harenda asked if we are using Crispell-Snyder for the \$46,000.

Mr. Nitschke said Crispell-Snyder will be used for the site inspection on the contract?

Alderman Harenda asked if there is a contract amount when they did the design work did they give an estimated cost or are you just using the 8 ½%?

Mr. Nitschke said that he is using the 8 1/2%.

Mr. Nitschke said that on other projects they have done for us, the latest being the Gatewood Subdivision they have followed that same criteria.

Alderman Harenda said that he noticed on the bid numbers, the second was so high because it was from Green Bay.

Mr. Nitschke said that he thinks that had a lot to do with it. The two low bidders were within 10% of each other. The low bidder CW Purpero was within 5% over the Engineers estimate, but in talking with the Engineer he hadn't added in a few items and he was quite happy that the bid came in where it did.

Alderman Hegeman made a motion to approve. Commissioner Kern second the motion. Upon voting the motion passed unanimously.

SW 23-06 Discussion of Citywide Flood Plain Mapping

Mr. Nitschke said that the requested action is to discuss the current policy regarding floodplains within the City. Potential actions or recommendations may follow. The rationale is that staff is seeing a rise in floodplain determination requests from property owners and lending agencies. Many of the properties are located in a Zone A floodplain, as classified in the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM). Zone A floodplain boundary based on aerial photos and topographic maps. To date, the City's policy is to undertake floodplain mapping on a case by case basis. Staff is requesting discussion regarding the current floodplain mapping policy, and discussion regarding several specific locations of concern on the FEMA FIRM maps. After reading the requested action and rationale, Mr. Nitschke gave a power point presentation, which is available on VCR or DVD if you are interested in seeing a copy of it.

Mr. Nitschke said that the question remains will these areas be marked by FEMA, we don't think so, in the interim how do we address these Zone A areas. Staff's recommendation is that we cover it in a manner that is easy on the budget and yet we have a sufficient plan that takes us into the future. One way to handle this would be to cover this the same way we do our illicit discharge screening. To cover specific sections on specific years on an annual or biannual schedule where we are doing one floodplain say every other year or one every year and to slowly but surely bring all these Zone A's into what they call a Zone AE which has base flood elevations.

Mayor Chiovaturo said then that basically floodplains are done before the subdivision is put in?

Mr. Nitschke said yes that is correct and the policy that we have now is to require the developer to modify the floodplain elevation and to submit those to FEMA. On Westridge East when they wanted to cross the floodplain with that bridge they were required to map the base flood elevations, submit to DNR and to submit to FEMA those changes. Our policy now is much more progressive in picking up the changes in the floodplain elevation. The problem that we have now is all of these that were modified in the past that never got added in to the map changes.

Alderman Hegeman said so FEMA doesn't really update the maps, just every 10 years they send you maps to check on and they don't really update the elevations, so these areas that we are talking about here. To get his problem fixed it would cost us \$4,000 and a LOMA-R would have to be sent in.

Mr Nitschke said that to fix his problem we are looking somewhere in the range of \$11,000 to \$13,000, because the entire water shed would have to be done. I would have to check and see if the \$4,000 was actually included in the engineers estimate. It's not a cheap procedure. If done as a whole it tends to be cheaper because you are looking at the City as a whole. But then you are encumbering a large amount of funds on a one time basis rather than spreading it out and paying as you go. FEMA's updates are going to be digitized maps this time around and they are addressing some areas but at this time we don't know what they are looking at.

Alderman Hegeman asked so the \$4,000.00 wouldn't be for one individual household would it be for the entire sections? Would it cover the entire finger? It wouldn't be the \$4,000; it would be the \$11,000 to \$13,000, correct?

Mr. Nitschke said that it would cover the entire finger. The cost is 11 to 13 thousand dollars it's not a per home basis it's a per area basis. That estimate was just on this segment, the other segments are different in their own right. The other thing is that in this one there aren't just one or two homes on Pohl Drive, there are also homes on Weathercreek, modifying would potentially remove other properties, and that's a warning because modifying it might put properties in.

Alderman Hegeman asked what we did in the past for individuals that wanted this done.

Mr. Nitschke said that the policy that we have is that if there is a base flood elevation it is the individual's responsibility to take care of the survey that is required to identify the elevation of their house and to submit a Letter of Map Amendment (LOMA) to FEMA to remove them from the floodplain. There is no fee to FEMA for that cost, but there is the cost of the survey that goes along with it. When we get to Zone A's there is no base flood elevation to determine whether their house is in the floodplain or not. In that case there is a larger engineering analysis that would cause one property owner to pick up the full 11 to 13 thousand dollar study is unreasonable.

Alderman Hopkins asked if it would help this gentleman if we wrote a letter to his bank telling that we don't consider him to be in the floodplain.

Mr. Nitschke said that we have already sent the bank an official letter stating that we do not consider him to be in a floodplain.

Commissioner Kern said so the lending institution has no toleration for exceptions and looking at the facts. If everybody is saying he's not in the floodplain but because the bank doesn't have any official document they won't cooperate.

Mr. Nitschke said that FEMA is not saying that he is in or out. They are saying what our maps say are the maps of record and the map shows that he is in the floodplain. The bank then by law is required to go forward with what the map is saying

Commissioner Kern said but the bank is only saying it because the map hasn't been updated.

Mr. Nitschke said that is correct.

Mayor Chiovero asked if all these homes that the floodplain goes through are required to have floodplain insurance now?

Mr. Nitschke said that it is our understanding that yes every home that has floodplain should have floodplain insurance, that doesn't mean that all of them are paying floodplain insurance because they may

not have requested a home equity line of credit or anything that would kick in looking at their account to see if they are in a floodplain or not. We have seen an increase in requests for floodplain determination.

Alderman Harenda said a good point was raised about doing a LOMA-R for a floodplain that could put people in a floodplain that aren't in one now. I supposed it's hard to tell which ones or how many would be affected.

Mr. Nitschke said that it is hard to determine that because the floodplain has shifted from where the actual channel is. It is something that has to be balanced out. Will these people be put in or taken out over time, I think that some locations it is more applicable to do the analysis because there are so many homes that are in and you need a proper determination, and I feel this area is one of them.

Alderman Harenda asked what is the city's due diligence here? Are we responsible to do this? Who was doing this before this utility was set up 5 or 6 years ago?

Mr. Nitschke said that 5 or 6 years ago it was done on a case by case basis. If FEMA would remap a floodplain, for example Observatory Heights, they remapped the floodplain. The city was inundated with complaints from its residents and staff looked at it and did not agree with what FEMA did. The City then contracted out with SEWRPC to remap the floodplain, which lowered the floodplain in comparison to what FEMA had done. FEMA then went through the approvals and accepted the revised floodplain mapping from SEWRPC and that is what was done.

Alderman Harenda asked if the area by I-43 where the roundabouts going is one of the areas that we are waiting to hear from the DOT on?

Mr. Nitschke said that we are waiting for DOT's analysis. We haven't heard if they are going to provide us with any information or not. We haven't received a response.

Alderman Harenda said his suggestion would be to do this in smaller projects as it does impact utility customers.

Alderman Hopkins said that he feels that we should start small.

Alderman Hegeman asked if there are 10 sections and every section would be a different cost?

Mr. Nitschke said that was an estimate looking at the overall map, you have got 5 in the northeast area of the city, 4 large ones in the northwest section and three in the south central area of the city. That's 12 total and they are all going to be different. The 4 in the Poplar Creek watershed may be addressed because we are working with SEWRPC right now as a grant to remap certain areas within the city and hopefully Poplar Creek is on the list.

Alderman Hopkins said that one of the areas in the northeast is in the Golf Course; I don't think that would be important that we have that one at the top of the list.

Mr. Nitschke said that area actually does flood the front yards or the homes along 124th.

Alderman Harenda asked if there was any way to break down the various areas as to how many homes or businesses will be impacted by this.

Mr. Nitschke said that one of the logical areas is the floodplain off of Howard because it doesn't include any other floodplain it's just that one stretch and the whole stretch is a Zone A. If you move to the north and do the area around Dakota or Park Central you have got base flood elevations and Zone A in three separate fingers. If you're doing one finger you might as well do all three. The logical way if you are going to start small would be to do the floodplain Zone A along Howard and get cost estimates for the 2008 budget to actually determine what it is going to run to do other areas in the city.

Alderman Harenda asked if we could get list in priority order?

Mr. Nitschke said that in essence we are establishing a floodplain maintenance plan. That is definitely something that we would do. The only other variable here is what FEMA comes up.

Commissioner Jim Kern asked if the update is for the entire county?

Mr. Nitschke said that it is for the entire county.

Commissioner Kern asked if they release it in the next six months would that update everything?

Mr. Nitschke said they are telling us that they will be releasing it by the end of this month.

Commissioner Kern asked if they do that then we wouldn't have to do anything else as a city?

Mr. Nitschke said yes that is correct, based on track record and based on what we know what they are doing the chances are basically zero.

Alderman Hegeman asked how many requests have been from the other areas?

Mr. Nitschke said that he doesn't have the information with him at this time but I have personally spoken with three residents in this floodplain along Howard and Pohl. I know Cathy have dealt with several residents in the Dakota street area. The actual request to come before you with this item was specifically for this resident. One of the test points is that they have 45 days to determine if they are in the floodplain or not and then they have to start paying floodplain insurance which is approximately \$500.00 for each \$100,000 of assessed value.

Alderman Hegeman asked if they could get a list of the requests.

Mr. Nitschke said that yes, we have a list upstairs of everyone that has requested floodplain information from us, we have already filled out one page.

Alderman Harenda said so we are going to have to wait until FEMA comes up with its updates and then look at the maps and see how we want to proceed with this throughout the city.

Mr. Nitschke said that the question would be nice if you could answer for us is: If you are looking at moving forward and starting small first that we could have some sort of direction that based on what FEMA's determination is going to be that we are going to move forward with a certain section or sections of the City for the mapping as soon as we hear from FEMA. Then in the 2008 budget we have a plan set up to move on after that. I do feel that we should have the funding available now for at least one site.

Alderman Hopkins said you are saying that this is the most important one.

Mr. Nitschke said yes it's the most important for several reasons because of ease of doing the work, because of the number of residents impacted and because of the area that it's in.

Alderman Harenda said that it would probably be good to target this area but have to wait until FEMA comes up with updates and then have a priority list.

Mr. Nitschke said we can wait until the November and ask the resident to wait another 30 days and at that point we will have the FEMA maps in, we should have a ranking system for you and we will be able to move forward based on all the information we have available.

Alderman Hopkins said that is probably what we will do, but it will be good to have the FEMA maps and the ranking.

Alderman Harenda asked if they are looking to do work this budget cycle.

Mr. Nitschke said that the work could be potentially started this and some of it go on this years budget cycle.

Alderman Harenda said there is a cost share to the residents for the LOMA, is there a cost share to the residents for the LOMA-R.

Mr. Nitschke said that we don't have a cost share for the LOMA, the residents pay for that. Right now there is no cost share for the LOMA-R with the City.

Alderman Harenda asked if we have any idea what other municipalities are doing with that.

Mr. Nitschke said that he would have to do some investigation on that.

Alderman Harenda said when we look at the big picture do we know what it is going to cost us overall? You said that the North East corner might be more significant even though these areas are isolated. Northwest is a bigger area too again and then the north east will be pushed into this as the area is developed.

Mr. Nitschke said that when the Poplar Creek subdivision came in they had to do their own floodplain analysis to show that they weren't changing the base flood elevations.

Mr. Hilgeman 3880 Pohl Drive said that he is going to have to do the LOMA map regardless of when the LOMA-R might be done. It's going to cost me flood insurance. If I do the flood insurance and try to wait according to Eric that FEMA might never do these maps and then I am paying this out for nothing, so should I do the LOMA or pay the flood insurance? Plus when I purchased this property I came to the City and asked them if I was in the floodplain and they told me no. Now all of a sudden things changed and I am in a floodplain. As I explained to the people at the bank, FEMA we are working off a 16 year old map and my road isn't even on their map. I understand that you want to get some more information. If I had never applied for a line of credit to get a better rate I would have never done anything about it. My bank said they are being audited and are being looked at by the Federal Government; they have to go by the Federal Government papers even though the maps are 16 years old.

Alderman Harenda said that we will wait till the FEMA maps come out. Even if we started something today it would be sometime before we could even apply to FEMA for a change, is that right?

Mr. Nitschke said we have discussed that. It basically is the sooner you get in the pipeline the sooner you get out.

Mr. Hilgeman said that he might have to do the LOMA and I might be pulled out already, but I can't take that chance. Either I pay the flood insurance or I do the LOMA.

Mayor Chiovaturo said that from what I heard the chance is very slim that the FEMA map will be revised is that correct.

Mr. Nitschke said yes, that's correct and when they revised the maps in 1996 they didn't touch this area and the subdivision was in and the homes were done. Past history says that it probably won't happen.

Mayor Chiovaturo said that we have had this issue with a large number of homes in their subdivision that we have been working with too. I really don't like to see the homeowner have to do a LOMA, but I think a LOMA will probably be cheaper then a years worth of flood insurance, isn't it?

Mr. Hilgeman said that it's just \$500 for just FEMA and then I have to do the survey and then they might not even accept it because there isn't a base elevation in the area. I could spend the \$425 just for the

FEMA portion and then whatever it costs for the survey, but because there isn't a base elevation they might kick it out and then I would have to pay the flood insurance anyway.

Mr. Nitschke said that in this case this is an item that we aren't going to put on the table next month we are just going to move forward with it and just for the homeowners sake that there is a sense of urgency unless we don't get any information from FEMA that this will not be something that falls down on the priority list and we will be moving forward with the assessment of the prioritization of the Zone A's and will be assimilating the information from FEMA and getting that information back to you as soon as possible, so that it doesn't sit while we are compiling information.

Alderman Harenda asked if anyone wanted to take anything off the table, and there was none.

Alderman Hopkins made the motion to adjourn. Commissioner Kern seconded the motion.

Adjourned at 5:46 PM.