

**Minutes  
Storm Water Committee Meeting  
New Berlin City Hall  
3805 S. Casper Drive  
Council Chambers  
January 11, 2005**

***Please note: Minutes are unofficial until approved by the Stormwater Committee at their next regularly scheduled meeting.***

Present: Alderman Harenda, Alderman Hopkins, Alderman Hegeman, Mayor Wysocki & City Engineer J.P. Walker

Others Present: Eric Nitschke (Division Engineer), Cathy Schwalbach (Project Engineer), Ray Grzys (Director of Utilities and Streets), Chuck Trevorow (Stormwater Supervisor), City Attorney Mark Blum, and Sue Hanley (Office Coordinator Utilities & Streets)

Meeting called to order at 4:46 pm by Alderman Harenda and declared a quorum

**Item SW 01-05                    Approval of Minutes from December 14th meeting**

Motion by Mayor Wysocki to approve the minutes from the December 14th meeting. Seconded by Alderman Hegeman and upon voting the motion passed unanimously.

**Item SW 25-04                    Discussion of Stormwater Utility Logo**

Motion by Alderman Hegeman to remove this item from the table. Seconded by JP Walker and upon voting the motion passed unanimously.

Eric Nitschke handed out updated logos with the name change of "Water Resource Preservation Utility".

Alderman Hopkins commented that the logo looks good, and he liked the sample with the City of New Berlin on top. Mayor Wysocki agreed that he liked the larger example and that the new name would be much more comprehensive in the future by emphasizing not just stormwater, but also groundwater, retention facilities, and water quality.

Alderman Hegeman asked if citizens would recognize what it meant, and what it was associated with, and whether or not the name was changed because they thought the term stormwater had a negative effect?

Mr. Nitschke said that staff struggled with the name so that it showed that the Utility also dealt with water quality and conveyance, flood plains, groundwater, etc. and not just stormwater and runoff. He added that this logo will be on letterhead, the Stormwater Utility vehicle, etc, and that ducks swimming in water with plants will help show that we are trying to preserve the water quality aspect and groundwater recharge.

Attorney Mark Blum arrived at 4:50 p.m.

J.P. Walker stated that an article in the City's quarterly newsletter will be used to help educate the public on the new name and what the Utility involves.

Alderman Harenda agreed that the new logo looked good, although he wanted to increase the font size of the City of New Berlin.

Motion by Alderman Hopkins to adopt the larger logo example with the recommendation to increase the font size so that the "City of New Berlin" stands out. Seconded by Alderman Hegeman and upon voting the motion passed unanimously.

Alderman Hopkins also suggested a motion to make the name change, however Alderman Harenda said that this item was not on the agenda and would have to be brought back as an item.

**Item SW 12-04**

**Approval of Amendment of Section 201-8 of the City of New Berlin Municipal Code Concerning Downspout & Sump Pump Discharge**

Motion to remove this item from the table by Mayor Wysocki. Seconded by J.P. Walker and upon voting the motion passed unanimously.

Eric Nitschke read the issue: Approval of the Ordinance to amend Section 201-8 of the Municipal Code of the City of New Berlin concerning the grading and drainage of property and the Requested Action: Recommend to Common Council the approval of the amendment of section 201-8 of the Municipal Code of the City of New Berlin.

Mr. Nitschke said that this amendment was basically to ensure that no person could direct downspout or sump pump connection discharge directly onto land of the adjacent property or within 10 ft of the property line.

Alderman Harenda stated that he had discussed this issue with Cathy Schwalbach and Eric Nitschke on Monday, and was concerned about older properties that have buried drainage pipes. He asked if these were grandfathered in to the old regulations?

Attorney Blum stated that if the property owner complied with approval they originally received and followed what they were directed to do when constructing the property and installing drainage pipes, his thought would be that they would not be subject to prosecution and they would be grandfathered in, as long as they were in compliance with existing approvals.

Attorney Blum added that in situations where discharge points were on or near the lot line in smaller lots, this would not prevent property owners from dealing with the issue between themselves.

JP Walker said that the way he read the ordinance, it won't preclude surface water from draining from one property to another. He said that the issue is to try to get direct concentrated water flow away from the property and if a problem area crops up and it needs to be repaired, this would give the City some ammunition to use.

Alderman Harenda added that a lot of properties have sump pump lines buried deep near the property line and asked if there was a way to add language to cover 20, 30, or 40 year old homes to keep from forcing them to dig these lines up?

Attorney Blum responded that Section b, sub (2) could have a statement added that said "any newly constructed drainage system." But if you have someone who constructed this and were not in compliance 30 years ago, they would be off the hook. He suggested that staff use an internal guidance memo about the policy at its application instead of tweaking the language and missing certain situations.

Mr. Nitschke said that in specific situations, people using extenders or burying sump pump pipes and directing them at neighbors would be looked at, and that staff would not be going down the street looking for possible sump pump or downspout discharge violations to enforce.

Motion by Alderman Hegeman to recommend to the Common Council the approval of the amendment of Section 201-8 of the Municipal Code of the City of New Berlin. Seconded by Alderman Hopkins and upon voting the motion passed unanimously.

Motion to adjourn at 5:12 p.m. by Alderman Hopkins. Seconded by Alderman Hegeman and upon voting the motion passed unanimously.

*Respectfully submitted,*

*Suzette Hanley  
Office Coordinator, Utilities and Streets*