

**Minutes  
Storm Water Committee Meeting  
New Berlin City Hall  
3805 S. Casper Drive  
Council Chambers  
February 8, 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, City Engineer J.P. Walker, Mayor Wysocki (arrived 5:20 p.m.)

Others Present: Eric Nitschke (Division Engineer), Cathy Schwalbach (Project Engineer), Ray Grzys (Director of Utilities and Streets), Chuck Trevorow (Stormwater Supervisor), and Suzette 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 January 11th meeting**

Motion by Alderman Hegeman to approve the minutes from the January 11th meeting. Seconded by Alderman Hopkins and upon voting the motion passed unanimously.

**Item SW 23-04                    Discussion of Culvert Installation Costs to Exclude Cost of Labor and Machine Charges in the Operating Budget**

This item remains tabled

**Item SW 2-04                    Approve Transfer of Kelly Lakes Funding from 2004 Budget Year to 2005 Budget Year**

Eric Nitschke read the Requested Action to request Common Council to extend the awarded funding for the construction of the Kelly Lakes Wetland Rehabilitation Project in the amount of \$40,000 for the fiscal 2004 year through 2005 Stormwater Utility Drainage Account 70710710.59060.

He stated that the fiscal impact would be to transfer \$40,000 from the 2004 operating budget into the 2005 operating budget. Mr. Nitschke said that the original plan for the approved funding was to put it into a separate account to be drawn from as work progressed on the Kelly Lakes project. He stated that in working with the New Berlin Accounting Department, it has been decided that the best way to allocate the approved funding for the Kelly Lakes project is to extend the approved funding from the 2004 fiscal year through 2005. This will better facilitate appropriate payouts, as well as streamline the auditing process that Accounting normally would have to deal with if the funds were put into a separate account.

Motion by J.P. Walker to request Common Council to extend the awarded funding for the construction of the Kelly Lakes Wetland Rehabilitation Project in the amount of \$40,000 for the fiscal 2004 year through 2005. Source of funds: Stormwater Utility Drainage Account number 70710710.59060 for \$40,000. Seconded by Alderman Hopkins and upon voting the motion passed unanimously.

**Item SW 03-05                    Communication: Mr. Richard Mather, 12875 W. Cleveland Avenue**

Alderman Harenda said that a homeowner wants to remodel his home that is in a floodplain. Mr. Nitschke replied that Mr. Mather inherited the property and put in an access bridge working with the DNR. The homeowner would like to add on to his home and garage, but this is not allowed by state regulations because the house is in a floodway. Mr. Nitschke showed on the map where the house was located and stated that even if the house was demolished and built further back on the lot, it would still be subject to City and DNR regulations. Mr. Nitschke said that Mr. Mather would like to know if the City would purchase the property since he is in a floodway not a flood fringe.

JP Walker said that this is the same issue as the next item (SW 04-05), which is just further along in the process. He added that there are not too many options available but changes need to be made.

Mr. Nitschke said that he was not 100% sure, but thought that some sort of structural repair in the basement needs to be done; however, the homeowner does not want to do this unless he can add on. JP Walker clarified that the work is a structural I-Beam.

Mr. Nitschke stated that one of the alternatives is to apply for grant funding to purchase homes in flood plains. He said that the City has no policy as to how we deal with these properties and added that grant funding is every 2 years, and that this year the deadline is April 15<sup>th</sup>. JP Walker asked if the Committee decides the homeowner is eligible for a grant, what year would it be for? Mr. Nitschke replied 2006-2007.

Alderman Harenda asked how many properties are there in the City that are in a flood plain? Mr. Nitschke replied that there are several properties off Lagoon Road, but he would have to research how many there were citywide, but at least 10. Alderman Harenda asked if staff had enough time to look at the other properties at the same time? Mr. Nitschke said that he did not know if they would have enough time to look at the whole City. He added that Cathy pointed out some homes have been called out by the Stormwater Master Plan. Alderman Hopkins asked if the homes along Lagoon were included? Mr. Nitschke answered no, but there was a Streambank Stabilization plan just upstream. Mr. Nitschke also stated that Lagoon Road may also be included in the upcoming 5-year plan.

Alderman Hegeman asked if the goal of FEMA was to prevent people from adding on to their houses? Mr. Nitschke said that the issue is liability and insurance, for example if an addition is swept away in a storm and it blocks a culvert downstream. He added that you are allowed to fill in the flood fringe if you meet certain criteria. Alderman Hegeman asked if the map can be changed? Mr. Nitschke said that the potential is there if soil is added, and in conjunction with the City and DNR requirements.

Alderman Harenda asked Mr. Nitschke to communicate back with Mr. Mather about the grant cycle and tell him what options he can improve with internal renovation, just not add on, and to wait until the next segment of the Stormwater plan is done. Mr. Nitschke said that with the direction from the Committee he will tell Mr. Mather what options he has or about starting a grant plan. Mr. Nitschke added that at a later meeting, we can look at other properties that are in a similar situation.

**Item SW 04-05                      Resolution to Apply for Municipal Flood Control Grant Funding for Fullerton Avenue Project**

Cathy Schwalbach said that this project is related to the Mather property, and that staff has worked with the homeowner over the last few years. She stated that he has had flood damage and noted the 1998 flood and annual flooding with damage to the basement and property, which the homeowner has verified with insurance claims for damage. Ms. Schwalbach said that this property is in Buena Park and was not included in the last project. She added that when Engineering first looked at the property, they thought they could upsize the culvert going across Calhoun, however the pipe discharges directly to a tributary of Poplar Creek. This would not be allowed by the DNR unless the volume was controlled. This would be very expensive. Ms. Schwalbach said the recommendation is to approve the resolution to authorize application by the City Engineering Department for the Municipal Flood Control Grant for purchase of the repeatedly flood damaged property at 17111 W. Fullerton Avenue. If the grant is received, the City would purchase the property, demolish the structures, and develop the property for permanent open spaces.

Alderman Hegeman asked if approved, if this would be on the 2006-2007 budget? Ms. Schwalbach answered yes. Alderman Hopkins asked if the grant could come in at less than 70%? Ms. Schwalbach responded that she has not seen anything other than the 70%. Alderman Hegeman asked how long is the response time? Ms. Schwalbach said that before the end of the year. Alderman Harenda asked if we do apply for the grant and don't use it, can we give it back? Mr. Nitschke said that they try to be very judicious in using grants that are awarded by the DNR. Alderman Harenda further questioned, if we argue with the homeowner about the cost of the property, etc. Mr. Nitschke said that the money would be in the account itself and staff would work with accounting to use the grant funding we are bringing in and reimburse the accounts we use.

JP Walker asked if this is an Operational Expense or CIP Account since it exceeds \$50,000? Mr. Nitschke answered that staff would be obliged either way and would work with Ralph Chipman in accounting to determine what it would be. He added that the Inez Road project from this year was shifted into a Capital Improvement project. Alderman Harenda said that he would defer to staff and noted that they don't have anything in the CIP budget this year.

Mayor Wysocki arrived at 5:20 p.m.

Mr. Nitschke said that the difference between the two homes, is that the Mischo property on Fullerton has been on the radar screen for the past 2 years and the homeowner was in attendance tonight to speak his willingness in the matter. He added that the Mather property is coming up directly before the grant process and Mr. Nitschke said that he thought they would not have enough time to do all of the background investigation and analysis checks.

Motion by Alderman Hopkins to recommend to Common Council to approve the resolution to authorize application by the City Engineering Department for the Municipal Flood Control Grant for purchase of the repeatedly damaged property at 17111 W. Fullerton Avenue. Source of Funds: Stormwater Utility Operating Account 70710710.59060. Estimated cost of the project \$200,000 less grant income of \$140,000 (70%). Actual cost to Utility \$60,000. Conditional upon receiving the grant funding. Seconded by Alderman Hegeman and upon voting the motion passed unanimously.

#### **Item SW 05-05                      Stormwater Utility 2004 Summary**

Eric Nitschke said that he and Cathy Schwalbach would present the Stormwater Utility 2004 Summary year end report which include the Engineering side of the work, however a lot of the Street work was not included. He said the summary was to update the Committee as well as the Citizens of the City. A Powerpoint presentation included: Activities Summary, Customer Service, Drainage List, Street Department Stormwater Construction, CIP projects, Drainage studies, Grant Administration, Stormwater Committee items, Utility Billing Reviews, New Development Review, Regulatory Compliance, Floodplain Assistance, and New Technology Research (rain gardens, porous pavement, green roofs, mechanical systems). Mr. Nitschke said that citizens could check out information on different things through the Engineering department and congratulated Cathy Schwalbach on the good job she did with the binder on 2004 raingardens.

Mayor Wysocki requested that all of the Alderman on the Council receive a copy of this presentation and complimented staff on their hard work and the new technology, stormwater credit, abatement systems such as the old-fashioned rain barrels and cisterns. He added that the more we can do on private sites, the less we have to do on public areas.

Alderman Harenda complimented staff as well and said they are working on a new 5-year plan that will do a lot of good in years to come.

JP Walker asked if this information could be placed on the website? Eric Nitschke said that he would see if that was possible. Alderman Hopkins said that staff is a pleasant group to work with.

#### **Item SW 06-05                      Approval of Stormwater Utility Name Change**

Alderman Harenda stated the reason for the name change is to put Stormwater management into a more positive light. Mr. Nitschke said that Water Resource Preservation Utility was the name that staff brought forth for discussion. Mayor Wysocki said that he would like to have timeto look at other options on the name.

Motion by Mayor Wysocki to table the name change of the Utility from Storm Water Utility to Water Resource Preservation Utility. Seconded by Alderman Hegeman and upon voting the motion passed unanimously.

Motion to adjourn at 5:49 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*