

**Minutes
Storm Water Committee Meeting
New Berlin City Hall
3805 S. Casper Drive
Council Chambers
April 12, 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 and Mayor Wysocki

Excused: Jim Kern

Others Present: Eric Nitschke (Division Engineer), Cathy Schwalbach (Project Engineer) City Engineer J.P. Walker, Ray Grzys (Director of Utilities and Streets), Chuck Trevorow (Stormwater Supervisor), and Suzette Hanley (Office Coordinator Utilities & Streets)

Meeting called to order at 4:47 pm by Alderman Harenda and declared a quorum with 4 members present. He noted that new citizen Committee member Jim Kern was on vacation.

Item SW 01-05 Approval of Minutes from March 8th meeting

Motion by Alderman Hopkins to approve the minutes from the March 8th meeting. Seconded by Mayor Wysocki 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

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

Alderman Harenda stated that this item was briefly discussed in October and asked Staff what direction they needed. Eric Nitschke answered that Staff had completed the preliminary cost estimates and cost sharing and that the Committee had wanted additional information about these costs. He stated that Staff would be prepared to present this at the next meeting. Alderman Harenda also asked for a list of last year's projects.

Motion to defer this item by Alderman Harenda. Seconded by Alderman Hopkins and upon voting the motion passed unanimously.

Item SW 06-05 Approval of Stormwater Utility Name Change

This item remains tabled

Item SW 10-05 Approval of Post-Construction Stormwater Management Ordinance

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

Eric Nitschke stated that the next 6 items are required by the WPDES permit from DNR. He said that this ordinance governs construction management once the project is completed on the construction site. The ordinance incorporates the DNR requirements, City requirements and the City's Developer's handbook.

Mayor Wysocki asked if the Board of Appeals on page 20 was in the DNR Model? Mr. Nitschke replied yes. Mayor Wysocki suggested that because we have a Stormwater Committee that shouldn't the appeal go to

them since they have a history and knowledge of codes, instead of the Board of Appeals? Alderman Harenda concurred with the Mayor.

Eric Nitschke agreed that the Stormwater Committee should be the appropriate place for the initial appeal and said he would check with the City Attorney on changing that.

Alderman Harenda asked what the general impact, funding, and time this unfunded mandate is costing the City? Mr. Nitschke answered that a significant amount of time has already been spent, although some of the impacts we are already doing, just ramping up. Alderman Hegeman asked how much time staff has spent already? Mr. Nitschke replied on the ordinances a couple of day's worth of work with the City Attorney. He added as far as implementing, staff does post-construction management now as much as possible and the new Code Enforcement person will be helping out.

Alderman Harenda asked the timeline required to pass these ordinances and procedures? Mr. Nitschke said July 13th. There are 3 readings to the Council required prior to July 12th and Staff is looking for action from the Stormwater committee at the next meeting, which he thought was on May 10th. Alderman Hopkins asked if the City Attorney could look at this change prior to that time. Mr. Nitschke replied yes.

Motion to defer by Alderman Harenda. Seconded by Alderman Hopkins and upon voting the motion passed unanimously.

Item SW 11-05 Approval of Construction Site Pollutant Control Ordinance

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

Eric Nitschke read the rationale to approve construction site pollutant control ordinance in accordance with New Berlin's Wisconsin Pollutant Discharge Elimination System (WPDES) Permit and that New Berlin has until July 13, 2005 to adopt the construction site pollutant control ordinance. Mr. Nitschke stated that this is being handled on a day-to-day basis already by Engineering and they set up pre-construction meetings to determine plans to control site pollutants.

Mayor Wysocki said that in this ordinance too, he would like the initial appeal to be to the Stormwater Committee. He asked if the permit fee is put in the General City Fund or in the Stormwater Budget? Mr. Nitschke replied General Fund. Mayor Wysocki highly recommended that any permit fees reflected from this and any other ordinance go the Stormwater Utility budget as the legitimate revenue source. Alderman Harenda asked what is done in Utility? Director Grzys said he believed most fees go to the General Fund in the city to cover costs of permits, inspections and construction phases. Mayor Wysocki responded that since the Stormwater budget pays a portion of the Code Enforcement position (40%), this is a legitimate revenue source.

Motion to defer by Alderman Harenda. Seconded by Alderman Hegeman and upon voting the motion passed unanimously.

Item SW 12-05 Approval of Illicit Discharge and Elimination Ordinance

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

Eric Nitschke said that this ordinance again is required by the DNR formally putting on paper what illicit discharges are and what is prohibited. He stated that it is fairly straightforward, such as people connecting sanitary lines to storm drainage system, dumping oil or paint, etc.

Alderman Harenda asked if we had something in place now? Mr. Nitschke replied yes, we have inspections previously approved, and once mapped in GIS system, we will randomly inspect sites to ensure that illicit discharge isn't going into the state waters.

Motion to defer by Alderman Harenda. Seconded by Alderman Hopkins and upon voting the motion passed unanimously.

Item SW 13-05 Approval of Long-Term Maintenance Procedures

Motion to remove from table by Alderman Hopkins. Seconded by Mayor Wysocki and upon voting the motion passed unanimously.

Eric Nitschke said that this ordinance will have one of the biggest impacts in long-term maintenance procedures. The Stormwater Management Maintenance Agreement will be signed by developers and Homeowner's Associations. Water Quality, infiltration trenches and basins, Vegetated filter strips, grassed swales, and wet detention ponds are required to be maintained and kept in proper working order. Developers and homeowners associations will be required to report to the City annually on maintenance per the WPDES permit and reduction of the percentage of total solids removal will increase after 2008. Mr. Nitschke sites examples of requirements such as retention ponds must be 3 feet deep or the ponds lose water quality. He added that there may be significant costs such as draining ponds to verify depth. Mr. Nitschke said that this will also require lengthy staff maintenance to map this locations; however the GIS system will bring a more coherent list of drainage pipe sizes, etc.

Mayor Wysocki asked if underground storage facilities will have a routine maintenance procedure for this too? Mr. Nitschke replied yes, and as of December 31, 2004 we did not have any procedure, but that this maintenance procedure will bring the City up to speed. Alderman Harenda asked if this procedure will be retroactive and how do we inform the Homeowner's Associations? Mr. Nitschke said that there will be a transition period, especially for ponds existing a long time. He said these ponds were built according to the standards at the time, and there has been a strict policy for over 20 years, but no one enforced them. He added that staff and the Stormwater Committee will make the public aware of deadlines and what is required, and that the issue is how to maintain these items, not a timeline.

Alderman Hegeman asked how many wet detention basins there were in the City and Mr. Nitschke replied approximately 100. Alderman Hegeman asked who would inspect these? Mr. Nitschke said that the Homeowner's Associations will be required to test them and report to the City. Alderman Harenda asked when mapping will be completed? Mr. Nitschke replied that the Illicit Discharge screening will be completed at the end of 2005, and the complete mapping will be finished the end of 2006 as they are installing as-builts and adding additional layers.

Alderman Hopkins asked if staff wanted to keep these 6 items as a package? Mr. Nitschke replied yes.

Motion to defer by Alderman Hopkins. Seconded by Alderman Hegeman and upon voting the motion passed unanimously.

Item SW 14-05 Approval of Construction Site Inspection and Enforcement Procedures

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

Mr. Nitschke said that this procedure is already in the City code and they have been working with the City Attorney's office and Code Enforcement.

Motion to defer by Alderman Hopkins. Seconded by Mayor Wysocki and upon voting the motion passed unanimously.

Item SW15-05 Approval of Illicit Discharge Response Procedures

Motion by Alderman Hopkins to remove from table. Seconded by Mayor Wysocki and upon voting the motion passed unanimously.

Mr. Nitschke stated that most of this procedure is in the Hazmat Emergency Contingency plan and lists contact numbers as to who the DNR would call to address a discharge. The discharge screening schedule and investigation will be updated at the end of the year once we get screening under our belt.

Alderman Hopkins and Alderman Harenda asked that the business phone number be taken off. Mayor Wysocki asked if Scott Schulpius the Emergency Government official could take another look at this. Mr. Nitschke stated that most of this procedure was supplied by Mr. Schulpius, but that he would have him look at it again.

Motion by Alderman Hopkins to defer. Seconded by Alderman Hegeman and upon voting the motion passed unanimously.

Eric Nitschke told the Committee that there is a fairly heavy schedule for the next meeting with these issues, as well as Inez Drive and the Preliminary 5-year plan.

Motion to adjourn at 5:29 p.m. by Mayor Wysocki. Seconded by Alderman Hopkins and upon voting the motion passed unanimously.

*Respectfully submitted,
Suzette Hanley, Office Coordinator Utilities and Streets*