

**Minutes  
Storm Water Committee Meeting  
New Berlin City Hall  
3805 S. Casper Drive  
Council Chambers  
May 10, 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 Chiovatero, & Jim Kern

Others Present: Eric Nitschke (Division Engineer), City Engineer J.P. Walker, Ray Grzys (Director of Utilities and Streets), City Attorney Mark Blum, Chuck Trevorrow (Stormwater Supervisor), and Suzette Hanley (Office Coordinator Utilities & Streets)

Meeting called to order at 4:45 pm by Alderman Harenda and declared a quorum with all members present. He introduced and welcomed the new citizen Committee member Jim Kern.

**Item SW 01-05 Approval of Minutes from April 12th meeting**

Motion by Alderman Hegeman to approve the minutes from the April 12th meeting. Seconded by Alderman Hopkins and upon voting the motion passed 3-0 with Mayor Chiovatero and Jim Kern voting present since they did not attend the meeting.

**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 table SW 23-04. Seconded by Alderman Hegeman 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**

Eric Nitschke stated that he spoke with City Attorney Mark Blum on replacing the Board of Appeals with the Stormwater Committee in S.14 as the body that would hear and decide any appeals. Mr. Nitschke said that if the Committee wanted to change this, the ordinance must be amended, then approved. Alderman Harenda asked if there were any legal issues in making a change? Attorney Blum replied that the ordinance before the Committee was drafted by the Wisconsin DNR, and that most communities do not have a Stormwater Committee. He added that he saw no reason why this could not be changed, but suggested a formal motion to amend the draft to provide for the change in the appeal process.

Motion by Alderman Hopkins to amend Section S.14 Appeals and to replace the Board of Appeals with the Stormwater Committee. Seconded by Alderman Hegeman and upon voting the motion passed unanimously.

Motion by Alderman Hegeman to request Common Council approval of the attached Post-Construction Stormwater Management ordinance per Wisconsin DNR NR-216 regulations with the amendment to S.14 Appeals. Seconded by Jim Kern and upon voting the motion passed unanimously.

Alderman Harenda asked the timeline required to pass these ordinances and procedures? Mr. Nitschke said July 13<sup>th</sup>, and that there was time to approve the 3 readings or waive the 3 readings. Attorney Blum stated that this would also give the public an opportunity to talk at the Council meeting.

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

Motion by Alderman Hopkins to amend Section S.13 Appeals and to replace the Board of Appeals with the Stormwater Committee. Seconded by Alderman Hegeman and upon voting the motion passed unanimously.

Motion by Alderman Hopkins to request Common Council approval of the attached Construction Site Pollutant Control ordinance per Wisconsin DNR NR-216 regulations with the amendment to S.13 Appeals. Seconded by Jim Kern and upon voting the motion passed unanimously.

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

Alderman Harenda asked about the forfeitures in section (e) (4). Eric Nitschke said they were not less than \$100 and not more than \$1,000.

Motion by Alderman Hopkins to request Common Council approval of the attached illicit discharge detection and elimination ordinance per Wisconsin DNR NR-216 regulations. Seconded by Jim Kern and upon voting the motion passed unanimously.

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

Mr. Nitschke said that one of the questions staff has to address is how can we phase in existing ponds, home owners associations, condo associations, etc into these procedures. He said that the City does not have a complete system of who owns what, but it is in the process of being set-up in the GIS mapping. Mr. Nitschke said that they would like to split the topic and request phasing in existing ponds with the mapping requirement dealing of December 31, 2006. He said the homeowner's associations has no idea this is going to be coming down the line; however the new developers know about this and have been signing a maintenance agreement. Mr. Nitschke said there has not been any public informational meetings or flyers yet to bring potential owners up to speed, and he suggested adopting this procedure and adding the existing ones later.

Alderman Harenda asked when the consultant will be completing the mapping? Mr. Nitschke replied the end of the year, but changes will need to be made by our in-house consultant Todd Niedermeyer. There will be a public information policy set up this year and implemented in 2006.

Motion by Mayor Chiovarero to request Common Council approval of the long-term maintenance procedures per Wisconsin DNR NR-216 regulations. Seconded by Alderman Hopkins and upon voting the motion passed unanimously.

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

Alderman Harenda asked if this item needed to be taken before the Planning Commission. Mr. Nitschke said he did not believe so because it is a requirement for the WPDES Permit and a lot of these changes were already in the Developer's Handbook.

Motion by Alderman Hopkins to request Common Council approval of the construction site inspection and enforcement procedures per Wisconsin DNR Nr-216 regulations. Seconded by Jim Kern and upon voting the motion passed unanimously.

**Item SW15-05                    Approval of Illicit Discharge Response Procedures**

Eric Nitschke said that the only changes on this item were the phone numbers and contacts that replace the old one. This information was approved by the Fire Department and Emergency Government Scott Schulpius and is now in their system.

Motion by Alderman Hegeman to request Common Council approval of the illicit discharge response procedures per Wisconsin DNR NR-216 regulations. Seconded by Mayor Chiovarero and upon voting the motion passed unanimously.

**Item SW 16-05                    Award of Construction Contract for Inez Drive Storm Sewer Project**

Eric Nitschke read the requested action to recommend to Common Council the awarding of the contract for the construction of the Inez Drive Storm Sewer Project. He stated that staff designed this project internally for over a year, and it was a challenge because of the gas line in the middle that had to be crossed twice and will have to

be hand dug 11 feet down. Mr. Nitschke added that the bid came in under the Engineer's estimate. Eric said that analysis of the watershed and existing drainage way has confirmed that installation of a storm sewer system would provide a level of protection up to a 25-year storm event for residents on Inez and Overlook Drive.

Motion by Alderman Hegeman to recommend to Common Council the awarding of the Contract for the construction of the Inez Drive Storm Sewer Project to the lowest responsive, responsible Bidder, Willkomm Excavating and Grading, in the amount of \$441,124.50. Source of Funds if Stormwater Utility CIP Account Number 04151171 61711 C2004 for \$412,911.50. Seconded by Alderman Hopkins and upon voting the motion passed unanimously.

Alderman Harenda said that we handle a lot of design issues, but asked if the contracted services will be outsourced? Mr. Nitschke replied, yes, R.A. Smith will be doing the work.

**Item 17-05                      Reallocation of Funds for Inez Drive Storm Sewer Construction Project**

Mr. Nitschke said that this request should have preceded the other one and he apologized for the mix-up. He said that the Buena Park Stormwater Improvement project has approximately \$600,000 remaining in the budget. An estimated \$150,000 of work remains on the Buena Park Project relating to resident feedback from Public Informational Meeting, and staff recommendations resulting from final project inspection.

JP Walker said that Eric just indicated that we expect a quote that will not exceed the \$150,000 from Capital Pavers and will be in time for the May 24<sup>th</sup> meeting. Jim Kern asked if the \$412,000 requested for the Inez Drive Storm Sewer project includes that \$150,000? Eric Nitschke replied yes, and they did not want to come back and ask for the additional funding later.

Mayor Chiovero asked if by transferring funds from Buena Park you can still complete the project? Eric Nitschke replied yes, we anticipate we need \$150,000 more, so we should have funds left. He added that concrete invert installation is the majority of the work yet to be completed, and they will still have approximately \$300,000 left in the Buena Park account.

Mr. Nitschke said that at the May 24<sup>th</sup> Public informational meeting the staff requests, resident requests and Alderman Gallagher's restoration requests will be presented. Alderman Harenda said that we have money left because staff is doing an excellent job.

Motion by Alderman Hegeman to request Common Council to approve reallocation of \$284,911,50 from Storm Water Utility funds remaining in the Buena Park Stormwater Improvement CIP Account #04251171 61707 C2004, to Storm Water Utility Account # 04251171 61711 C2004 for the Inez Drive Storm Sewer Project. Seconded by Alderman Hopkins and upon voting the motion passed unanimously.

**Item SW 18-05                      Reallocation of Funds for Cold Spring Road Underground Storage Facility**

Eric Nitschke read the requested action to approve reallocation of \$450,000 of Stormwater Utility funds from the Tess Corners Creek Pond CIP account to the Cold Spring Road Detention Facility account, and that \$1,150,000 will remain in the Tess Corners Creek Pond budget. He read the rationale: There are several drainage problems in the vicinity of the intersection of Cold Spring Road and Sunny Slope Road. The drainage easement located south of Cold Spring Road, directly to the east of Eisenhower High School, has experienced maintenance and flooding problems due to an undersized storm sewer downstream of the easement and poor access to maintain the easement itself. There is also an old farm drain tile that is contributing to water in the basement of one of the homes on Sunny Slope. In addition to these problems, Eisenhower High School is having drainage problems on their property. The Cold Spring Roadway Reconstruction Project coordinated efforts with the Storm Water Division to address most of the drainage concerns in the area. Due to the extensive efforts in the area, including relaying storm sewer pipe from the intersection of Sunny Slope and Cold Spring to Sun Valley Drive, the roadway budget was unable to handle all of the drainage problems alone. Therefore, Staff is requesting that funds be reallocated from the Storm Water Utility to address the cost of installing a required underground detention facility. The detention facility will enable the roadway project to meet it's MMSD Chapter 13 requirements, allow for relief of the flooding in the easement due to the undersized storm sewer downstream, and provide storm sewer relief and detention for Eisenhower's storm water needs.

He said that staff was looking at putting an underground facility between the two driveways in exchange for free use of the right-of-way. This would meet the MMSD Chapter 13 requirement when they put in 10 new tennis courts. Mr. Nitschke stated that staff did research on underground detention facilities and found a lower cost of hauling away material, a smaller footprint and the facility can still handle the tennis courts. He added that when the roadway project got going, they could not get a curb and gutter along with a stormwater system to work.

Mayor Chiovarero asked what the estimated time for the bid was? Eric Nitschke said that hopefully in August/September since they want the storm sewer project in place prior to the retention facility. Mayor Chiovarero asked why this was delayed until August? Mr. Nitschke said that bids came in exceptionally high, and staff thought if they sent it out for bids again, and they were high, that possibly the Street crews could do the work; however they did not want to take them off scheduled drainage projects.

Alderman Harenda asked if they scheduled Malone Park during winter to lower costs? Mr. Nitschke said it was since they had to deal with stormwater events in Malone Park, but in this case, we can bypass that. He added that the other issue on Cold Spring is the old farmer's drain tile that hooks up to the system will need to be dried out since it is a significant size.

Alderman Hegeman asked if the money allocated to Tess Corners project goes back into the General Fund if we do not use it? Mr. Nitschke answered no; however we are paying arbitrage interest on the money since it was borrowed in 2001-2002. City Attorney Blum interjected that any discussion of Tess Corners should be held until it was on the agenda.

Mayor Chiovarero thanked the Stormwater Committee, Eric and Cathy regarding this project and wanted to set the record straight about a conversation he had with the school district. The Mayor added that the school district is still under the assumption that the City will be paying for the tennis court, but he said that we will not be. He asked staff to put together some information to show the benefits of this project to the school district and make sure he can explain to them that they are not getting the tennis courts for the use of the land.

Motion by Alderman Hegeman Request Common Council to approve reallocation of \$450,000.00 from Storm Water Utility funds remaining in the Tess Corners Creek Pond CIP Account # 04251171 61710 C2003, to Storm Water Utility Account #04251171 61713 C2003 Cold Spring Road Detention Facility. Seconded by Jim Kern and upon voting the motion passed unanimously.

#### **Item SW 19-05                      Storm Water 5-Year Plan Update**

Eric Nitschke reported that the Stormwater Utility started in 2001/2002 and the fee schedule started in 2002. He said that the Utility is coming to the end of the original 5-year plan and he presented the Community with the accomplishments of drainage projects, hydraulic analyses, site visits, and capital improvement projects that have been completed or are scheduled to be completed. He also provided issues to consider in the updated 5-year plan. Mr. Nitschke said that staff had answered many calls in the past few years at Engineering, and he also thanked Sue Hanley for handling calls at the Street department. This item will be talked about in great detail at a future meeting.

Mr. Nitschke's presentation included the following:

Drainage List 2002/2003 totals included completion of:

- approximately 240 investigations
- 369 site visits for evaluation or re-inspection
- 11 survey orders
- 16 hydraulic analyses with design
- Construction at 138 resident homes and businesses by the Street department crews.

Drainage list 2004 totals included the completion of:

- 130 investigations, 174 site visits for evaluation or re-inspection
- 3 survey orders
- 3 hydraulic analyses with design
- Construction on 72 resident homes and businesses
- Design of 2 large scale projects – Inez Drive and Cold Spring Road

Phone calls to Engineering (This does not include calls to the Street department)

- 2003 – 1,676 calls
- 2004 – 2,434 calls

CIP Projects to Date:

- NB Hills Golf Course Streambank Stabilization
- Gatewood Storm Sewer Project
- Buena Park Stormwater Improvement Project
- Industrial Park SWQMP; Malone Park Underground Storage System
- Parkwood, Overland and Woodshire Drainage Study
- Calhoun Creek Streambank Stabilization
- Inez Drive Storm Sewer Project
- Cold Spring Underground Detention

Original 5-Year Plan C.I.P. Projects included:

- Calhoun Creek Pond and Streambank Stabilization
- Malone Park Pond; Utility Implementation
- Pond NP-1; Parkwood Lane Drainage Improvements
- Underwood Creek Drainage Improvement

C.I.P. Projects from Original 5-Year Plan Requiring Completion:

- Underwood Creek 1 (NB SWWMP) Box Culvert at Meadow Lane;
- Underwood Creek 2a (NB SWMMP) Streambank Stabilization and Flood Storage;
- Parkwood Lane Drainage Improvements
- Overland Trail/ Woodshire / Lincoln Drainage Improvement
- NP-1 Flood Storage Facility

Potential Future C.I.P. Projects Based on Stormwater Management Master Plan and Staff Experience:

- Easement at Lincoln and Calhoun in the Industrial Park
- City Wide Water Quality Analysis / Report for 2008/2013
- Lagoon Road Flooding (NB SWMMP Root 2)
- Elm Grove Road and Honey Lane Drainage (NB SWMMP Room 4)
- Mill Valley Storm Water Management Master Plan
- Tess Corners Detention Pond (NB SWMMP RD-1)
- Coffee Road and Calhoun Road Detention Pond (NB SWMMP RD-3)
- Major Culvert Replacement (NB SWMMP Table 7-2\_
- Westridge SWMMP Update
- Streambank Stabilization Project Citywide

Issues to Consider in Updated 5-Year Plan include:

- More detailed breakdown of Capitol Improvement Projects
- Assets to the Stormwater Utility
- Assuring the Stormwater Utility's ability to address multiple issues (i.e. ground water recharge, flooding, conveyance, water quality, district management plans, etc.)
- Equality in budget expenditures for residents
- Maintaining the ability to meet un-funded mandates from Federal and State entities
- The potential for rate increases
- The potential for a credit system

Breakdown of Estimated Fees and Expenditures in 2000:

- Rural Service Area estimated annual expenses \$139,000 and est. annual revenue \$127,000
- Urban Service Area estimated annual expenses \$1,170,000 & est. annual revenue \$1,200,000
- Developing Service Area estimated annual expenses \$90,000 and est revenue \$72,000

**Item SW 20-05            Requested Waiver of Stormwater Utility Fees for the New Berlin School District**

Because of the lateness of the meeting, Alderman Harenda asked if this item could be deferred and asked staff to provide a summary for the other alderman on this issue.

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

Motion to adjourn at 6:23 p.m. by Alderman Hopkins. Seconded by Jim Kern and upon voting the motion passed unanimously.

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