

**Minutes
Stormwater Committee Meeting
New Berlin City Hall
3805 S. Casper Drive
Council Chambers
December 13, 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 and Jim Kern

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

Meeting called to order at 4:47pm by Alderman Harenda and declared a quorum with all members present.

SW 01-05 Minutes from November 8th Meeting

Motion by Alderman Hegeman to approve the minutes from the November 8th Stormwater Committee meeting. Seconded by Alderman Hopkins and upon voting the motion passed unanimously.

SW 19-05 Approval of Stormwater Utility Updated Five-Year Plan

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

Mr. Nitschke passed out the revised draft and discussed the changes since the May/June draft. He asked the Committee to review the plan, which they will discuss it at the January meeting to make the necessary revisions.

Mr. Nitschke called attention to the following sections:

- 2.4 Completed Construction schedule – 70 projects were completed and other projects are listed.
- 3.3 Rating System for Priority CIP Projects established per staff direction. 7 categories were listed and ranked 1-5. Mr. Nitschke said projects will come and go on the list, depending on the master plan, roadway projects, etc.
- 3.4 Staff Recommended CIP Projects for 2006-2010 5-Year Plan. Mr. Nitschke said that there is no dollar amount listed on Parkwood Lane as they are waiting to see if they will receive a 70/30 grant match and some MMSD funding which would make this project more feasible. In the meantime, Stormwater crews will fix the inlets for safety concerns for the kids.
- Staff recommends a minimum \$1.00 per ERU rate increase, which would amount to a change from \$60 to \$72 per year for residential bills. This would be raising the rates January 1, 2007.
- 4.0 Stormwater Committee Input regarding: Contributing for roadway construction, dedicated Stormwater crews, special assessments, rate increases, credit systems for Utility fees, purchase of Stormwater equipment, priority of old Industrial Park stormwater needs.
- Appendix – Approved 2006 Stormwater Utility Operating Budget
- Appendix - Cash Flow Analysis for 2001-2005 – revenues will increase from approximately 1.5 million in 2006 to approximately 1.8 million in 2007 with a rate increase of \$1.00 per ERU. This increase will hold the budget steady, instead of operating at a negative cash flow. The \$1 per ERU increase would also potentially help pay for industrial park projects instead of borrowing money, which the Finance Department says should not be done with a negative cash flow.
- 5-Year Roadway Schedule and Maintenance Plan
- Industrial Park – Staff is recommending that the Stormwater Utility focus on working on Lincoln Avenue then Glendale instead of Ryerson since the Street crews are constantly repairing culverts on Glendale.

Commissioner Kern asked Mr. Nitschke if they should email him with any questions? Eric replied yes, but also cc Mr. Grzys and JP Walker.

Motion by Commissioner Kern to table SW 19-05. Seconded by Alderman Hopkins and upon voting the motion passed unanimously.

SW 32-05**Drainage Request 12525 W. Marquette Drive**

Mr. Nitschke said that the City Attorney was present to answer any questions regarding the letter drafted to 12635 Marquette Drive. Mr. Nitschke said that the property owner has removed the sump pump discharge from the culvert, but has asked staff for assistance with the rain garden.

City Attorney Blum said that the property owner reinserted the sump pump discharge and a citation was issued with a December 7th date to appear in court. Ms Joas did contact Attorney Blum and said that the pipe had been removed and Mr. Nitschke verified this. Ms. Joas is rescheduled to appear on December 21 to look at other issues. The original agreement with her stated that the City would pay for half of the concrete invert and she would pay for the other half and install a rain garden. Attorney Blum said that there have been some misunderstandings with her on the rain garden, and he pointed out to her that the City paid for half of the concrete invert and she had to follow through with the rain garden. In the meantime, Ms. Joas paid the remaining ½ of the cost of the invert, the City's half of the cost. Attorney Blum stated that he also had concerns downstream and would like the rain garden installed. He instructed Ms. Joas to talk with Eric regarding the construction of the garden, what type of plants and soil to use, etc. He said the courts would dismiss the citation, but courts could reopen this issue if it is not taken care of.

Attorney Blum said that payment was received, the obstruction is out of the ditch and the rain garden has been discussed. On December 21st the stipulation of the rain garden will be established.

Alderman Hopkins stated that the pipe still drains into the ditch and is concerned that once the rain garden is saturated, water will still drain downstream. Mr. Nitschke replied the idea of the rain garden is to have deep rooted plants 2-4 feet in depth that will uptake water discharged by the sump pump and provide relief for the downstream area, but it may not work to entirely eliminate the sump pump's discharge from draining downstream. He added that a concrete invert is an open storm sewer and carries the problem someplace else, so until rain garden is in with proper soil and plants, we won't know if it works to completely eliminate the problem. Alderman Hopkins replied that his concern is for the citizen further downstream which now have a new problem that he did not have before, and that they will have to wait 1-2 years before the rain garden is established. Commissioner Kern said he agreed with Alderman Hopkins and asked how much a concrete invert cost? Mr. Nitschke stated that it is approximately \$33.50 per lineal foot and this property is 100 feet or more. Mr. Kern asked if there were 3-4 properties until the next concrete invert? Mr. Nitschke said yes. Mr. Nitschke said that now when any new projects are planned, owners downstream must be notified. Mr. Kern said that concrete inverts seem to be fraught with problems.

Alderman Harenda requested an update at the next meeting. He asked if the City has the ability to move the pipe back from the ditch line? Attorney Blum answered that if there are existing situations those cause nuisances to other properties, we may be able to require the pipe moved; however, if the pipe is not in the right-of-way and not obstructing anything, we have an issue, but it is not covered by policy.

Mr. Nitschke said that the City of Brookfield and the City of Muskego use drain tiles and staff is looking at this as a better cost alternative, although it would be additional maintenance for the Street crews. He said that if a citizen does not want a concrete invert and still wants to mow, but has a slope, this may be a better choice.

Alderman Harenda said that the Street crews are aware of the Marquette Drive area and will keep monitoring the situation.

SW 25-04**Presentation of Final Utility Logo**

Mr. Nitschke said that staff would like the Committee to look at the logo and look for concurrence to go forward with the name change. Director Grzys said that the Committee's name has to be changed by resolution to take to Council.

Attorney Blum said there are 2 sections in the Municipal Code Chapter 65, which has to do with the creation of the Stormwater Committee and later a section dealing with Committees for the City. Both will require ordinances to amend and change.

Motion by Alderman Hopkins to approve of the name change and logo for the Water Resource Management Utility. Seconded by Commissioner Kern and upon voting the motion passed unanimously.

Alderman Harenda asked if the City Attorney would draft the ordinances and bring them to the Committee? Attorney Blum said yes, then the ordinances will go to Common Council.

SW 31-05A Reallocation of Funds for Design of Underwood Creek Stormwater Improvements

Motion by Alderman Hopkins to request Common Council to approve reallocation of \$1,125,608.00 from Storm Water Utility funds remaining in the Tess Corners Creek CIP Account # 04251171 61710 C2003, to Storm Water Utility Account #04251171 61714 C2003 for the Underwood Creek Stormwater Improvement Project. Seconded by Commissioner Jim Kern and upon voting the motion passed unanimously.

Item SW 31-05 Award of a Contract for Design of Underwood Creek Drainage Improvements SWMMP Underwood 1 and 2A

Motion by Alderman Hopkins to recommend to the Common Council the awarding of a Contract for the Design of Underwood Creek Drainage Improvements and potential Land Acquisition to Crispell-Snyder Inc. in the amount of \$ 249,271.00 In the contract the Design component is not to exceed \$140,521.00, and the Land Acquisition component is not to exceed \$108,750.00. The Land Acquisition is to be billed on a parcel-by-parcel basis, and is not to exceed \$3,625 per parcel. Source of Funds: Stormwater Utility Acct Number: 04251171 61714 C2003 in the amount of **\$1,125,608.00**. Seconded by Alderman Hegeman and upon voting the motion passed unanimously.

Motion to adjourn at 5:48 p.m. by Commissioner Kern. Seconded by Alderman Hegeman and upon voting the motion passed unanimously.

Respectfully submitted, Suzette Hanley, Office Coordinator Utilities and Streets