

**Minutes
Storm Water Committee Meeting
New Berlin City Hall
3805 S. Casper Drive
Council Chambers
Sept 21, 2004**

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

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

Excused: Alderman Harenda

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

Meeting called to order at 4:45 pm by J.P. Walker and a quorum was declared

Item SW 01-04 Approval of the August 10th, 2004 minutes

Motion by Mayor Wysocki to approve the August 10, 2004 minutes. Seconded by Alderman Hopkins and upon voting, the motion passed unanimously.

Item SW 26-03 Kelly Lakes Owner's Association Request (remains tabled)

Item SW 31-03 Approval of Creation of Section 230-13 of the Municipal Code of the City of New Berlin, Maintenance of Public Rights of Way and Public Easements (remains tabled)

Item SW 12-04 Approval of Amendment of Section 210-B of the City of New Berlin Municipal Code Concerning Downspout & Sump Pump Discharge (remains tabled)

Item SW 17-04 Approval of Asphalt Invert Replacement Policy (remains tabled)

Item SW 19-04 Rejection of all bids received September 9, 2004 for Tess Creek Pond Project

J.P. Walker read the requested action and explained the rationale. A bid opening for the subject project was held on Thursday September 9, 2004. One of the pre-requirements was for each bidder to submit their Pre-Qualifications Statement to the City 5 days in advance of the bid opening. As the Pre-Qualification Statements came in, they were submitted to the City Engineer. At the time of the bid opening, the City Engineer had not personally received the Pre-Qualifications Statements from 2 of the bidders (A.W. Oakes & Son and Iverson & Sons, LLC). Those bids were not opened and were returned to the bidders' representatives after he had opened all of the other bids. Both bidders indicated that they had properly submitted the Pre-Qualification Statement by the deadline. A few minutes after the bids were given back to the two bidders, it was decided that it would be best that the City Clerk hold the bids unopened until the issue was resolved about not having the Pre-Qualification Statements in time. The City Clerk took the bid packages and gave a receipt to each of the two bidders.

The City met with the City Attorney and he advised to readvertise for bids. This cannot be done until the Council meets September 28th and approves this action. The request for bids will then be advertised October 7th and 14th with the re-bid on October 21st.

Mayor Wysocki asked what procedural change would occur to prevent this from happening again? JP Walker said that all bids and prequalification statements would be date stamped and held in the City Clerk's

office until bid opening.

Motion by JP Walker to recommend to Common Council to reject all bids received for the proposed project on September 9, 2004 due to a challenge of the bids received from C.W. Purpero, Inc. and to re-bid the project on October 21, 2004. Seconded by Mayor Wysocki and upon voting the motion passed unanimously.

Item SW 20-04 Approval of Stormwater Operating Budget and CIP for 2005

Director Grzys presented the proposed 2005 Stormwater Operating and CIP budgets. He noted that there was a zero capital budget. Director Grzys also stated that the predicted grant money for 2004 was \$450,000, but there would probably be only \$200,000 of grant money received. He stated that grant money fluctuates according to what the DNR gives the City because some items in a project may be removed, so in 2005, the Stormwater budget will not account for grant money until the end of the year.

Mayor Wysocki clarified that money in the Stormwater Utility does not go into the General Fund, but stays in the Stormwater Utility account.

Eric Nitschke added that the general policy was to accelerate the budget and Utility in 2004, and that all of the Stormwater projects have come in under Engineering estimates. Some of the finished projects for 2004 include Calhoun Pond, New Berlin Hills Streambank Stabilization, and we are going to finish Malone Park, Buena Park and Gatewood. Money left over from these projects will be used at the discretion of the committee for debt reduction or other projects. Mr. Nitschke said that 40% of the Code Compliance position is needed because of the many WPDES permit requirements as well as other code issues.

Motion by Mayor Wysocki to recommend to Council to approve the 2005 Stormwater Operating budget. Seconded by Alderman Hegeman and upon voting the motion passed unanimously.

Motion by Alderman Hegeman to recommend to Council to approve the 2005 Stormwater C.I.P. Budget in the amount of 0 (no dollars). Seconded by Alderman Hopkins and upon voting the motion passed unanimously.

Item SW 21-04 Award of Contract for Industrial Park Stormwater Quality Plan

JP Walker presented the requested action and source of funds. Mayor Wysocki asked if an RFP was done? Eric Nitschke replied that yes and that the bids were reviewed by JP Walker, Ray Grzys, Mel Corley and Eric Nitschke who gave written reviews, then JP Walker, Mr. Corley and himself interviewed the top 2 bids – Earth Tech and HNTB. Mr. Nitschke further stated the initial bids were only \$400 apart and HNTB was the lowest when adding the alternative bids.

Alderman Hopkins asked if HNTB worked with the City before? Mr. Nitschke replied yes. JP Walker added that Mr. Nitschke had worked at HNTB, so his vote did not count on the final selection.

Mr. Nitschke elaborated on the Stormwater Quality Management Plan preparation which will include: analyses of storm water practice installation alternatives; current and potential sediment loading analyses; proposed water quality criteria to meet NR-216 requirements; proposed low impact development techniques and best management practice methods to meet water quality criteria; and hydraulic and hydrologic analyses in the Industrial Park. Mr. Walker added that the Stormwater Quality Management Plan goes hand in hand with the WPDES permit and goes a long way in helping the City meet NR-216 requirements.

Motion by JP Walker to recommend to Common Council the awarding of a contract for preparation of a Storm Water Quality Management Plan for the New Berlin Industrial Park to HNTB in Milwaukee in the amount of \$121,404.00. Source of funds is the Urban Non-point Source and Storm Water Planning Grant \$72,000.00 and the Storm Water Utility Account 70710710.59060 for \$69,000.00. Seconded by Mayor Wysocki and upon voting the motion passed unanimously.

Item SW 22-04 Reallocation of Stormwater Utility funds to Inez Drive Storm Sewer Project

Eric Nitschke read the requested action and source of funds. Mr. Nitschke stated that this was the first reallocation of leftover funds from the New Berlin Hills Streambank Stabilization project and the Malone Park Underground Stormwater Facility. He noted that there are still funds available in these accounts.

Mr. Nitschke explained the rationale that the Inez Drive project area begins at the west cul-de-sac on Inez Drive and continues east along Overlook Drive to a drainage channel at approximately 18955 Overlook Drive. The drainage system that currently serves the residents on the south side of this project area consists of large asphalt-lined ditched, with asphalt or concrete bottoms, and large culvert pipes with slopes as great as 11% in some portions of the ditch line. Large amounts of stormwater with high velocities flow through this ditch line during even the smaller, more frequent rainfalls. The elevations of homes in this area are lower than roadway elevations, resulting in flooding and property damage for approximately 25 years. Evidence of the force of water flowing through this area can be seen in sections of concrete bottom where it has been worn down several inches. He added that analysis of the watershed and existing drainageway has confirmed that installation of a storm sewer system would alleviate the flooding that these residents have experienced in 10 to 25 year storms. Design work by the Stormwater Engineering staff on the storm sewer system is nearing completion and staff anticipates construction will occur in 2005

Motion by Mayor Wysocki to request Council approve the reallocation of \$28,000 from available Stormwater Utility funds remaining in the New Berlin Hills Streambank Stabilization project account 400-61709 and of \$100,000 from remaining funds in the Malone Park Underground Stormwater Facility Account to Account 400-61711 for the Inez Drive Storm Sewer Project. Seconded by Alderman Hegeman and upon voting the motion passed unanimously.

Motion by Mayor Wysocki to adjourn at 5:32 p.m. Seconded by Alderman Hopkins, and upon voting the motion passed unanimously.