

# Minutes

## Storm water Committee Meeting

New Berlin City Hall, 3805 S. Casper Drive, Council Chambers  
July 22, 2003

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

Present: Alderman Gallagher, Mayor Wysocki, and City Engineer J.P. Walker

Absent: Alderman Bullerman, Alderman Wilkens

Others Present: Ray Grzys (Director Utilities and Streets), Eric Nitschke (Division Engineer), Chuck Trevorrow (Storm water Supervisor), Mike Holzinger (Director of Finance and Administration)

Meeting called to order at 5:05 p.m. by Mayor Wysocki sitting in for Alderman Bullerman.

### **Item SW 01-03 Approval of the June 10, 2003 minutes**

Motion by JP Walker to approve the June 10, 2003 minutes. Second by Alderman Gallagher. Upon voting, motion passed unanimously.

### **Item SW 16-03 Reallocation of 2003 Funds for Construction of Woodshire Ditch Enclosure**

- Brief discussion about transferring \$120,000 from construction to design.
- Eric Nitschke explained that there needs to be an analysis of the hydrology and hydraulics of the Parkwood Lane and Overland Trail watershed since they all drain to the same watercourse running through New Berlin Hills Golf Course.
- J.P. Walker added that the original budget request of 2004 included this request.

Motion by J.P. Walker to request the Common Council to approve the reallocation of funds construction of the Woodshire Ditch Enclosure (Account 252-585) to the design of improvements to the Woodshire Pond discharge structure and storm sewer upgrades along Lincoln Avenue.

Second by Alderman Gallagher. Upon voting, motion passed unanimously.

### **Item 13-03 Culvert Replacements (Discussion item)**

- Eric Nitschke stated that the Staff presented this item for discussion because of drainage issues that have surfaced in the City relating to lack of culvert maintenance by residents. Staff was assigned to research policy of surrounding municipalities. He presented a table that showed some municipalities perform the work and in other cases the resident must contract out the work. In all cases, the resident is responsible for the entire cost of the culvert installation and the City is in control of the process through some type of inspection mechanism. In those cases where the City performs the work, the resident is always charged in some manner. Also discussed was the legal opinion written by the City Attorney, Mark Blum in regard to the City's ability to install or re-set a culvert, which is causing a drainage obstruction.
- Alderman Gallagher stated that an ordinance is needed. J.P. Walker agreed, since the reoccurring theme from citizens is the question of why they have to pay for a culvert if they are paying a storm water fee.
- Director Grzys stated that culverts were maintained by the Street Department in winter for icing and blockage. Alderman Gallagher stated that the culverts should be the responsibility of the homeowner because they are an access to get across their driveway. Drainage ditches are the City's responsibility.
- Mayor Wysocki directed staff to work with the City Attorney to write an ordinance.

### **ITEM 14-03 Water Quality in Re-Development**

- Eric Nitschke stated that this was in conjunction with Item 15-03 Buy-In to Existing Storm water management facilities. He stated that they had checked with other municipalities and that no “buy in” policies were found. He added that the requirements of NR-216 will kick-in soon and that possibly the City would like to create a policy prior to that.
- Mayor Wysocki expressed concern that the City may be walking into an area that will make it difficult to enforce on a parcel-to-parcel basis. He suggested that a Fee allocation of fee structure be created for a shared storm water facility.
- Alderman Gallagher stated that the City should be careful with a requirement for storm water facilities being built prior to expansion, as some businesses may leave.
- JP Walker stated that the issue is in its infancy, and the City should watch what works elsewhere. Some parcels will get by without paying anything except storm water fees, which are based on impervious fees.
- Mayor Wysocki added that in the future, CDA and DNR standards will consider this issue, especially when the older industrial park gets redeveloped. He instructed staff to drop this issue from the agenda, but keep researching the issue.

**ITEM 15-03            Calculation of “Buy-in” to Existing Storm Water Management Facilities**

- Eric Nitschke stated that this item was in conjunction with the Water Quality in Re-Development (Item 14-03). He stated that he does not have a calculation yet, but that land value was also another issue.
- Mayor Wysocki stated that Walgreens is a good example. It replaced 2 properties that shared in SP-2, which was built in 1999. Walgreens paid a portion of the original construction cost, but inflation was not figured in. He instructed staff to leave this issue on the table, and to bring it back up when a calculation is arrived upon.

**ITEM 17-03            2004 CIP Implications**

- Director Grzys prepared a status report on Storm water projects 2000-2003.
- Mayor Wysocki discussed arbitrage and asked if the remaining amounts in the budget will cover the cost of the projects.
- Eric Nitschke answered that applying for permits and the ever-changing DNR regulations do slow projects down. One case in particular that has changed is the Malone Park project that has changed from a more traditional regional design to an underground facilities that will service the Utility garage, Star of Bethlehem Church, Safety building, etc. The facility was also downsized without sacrificing the original intent.
- Mayor Wysocki asked if Engineering had discussed the change with Park and Rec, particularly that there would be no open pond and that they could keep soccer fields, etc. Eric Nitschke responded that they are in contact with Park and Rec and that the timing of the construction will be done so that they can keep the ball diamonds and soccer fields open until the end of the seasons.
- Brief discussion that there are many projects going on at the same time and that some are changing as regulations and permit issues change. An example is Buena Park where the NP-1 is no longer permissible, and the CP-5 is no longer feasible. Now the drainage areas can be taken care of with a retrofit of the existing storm water system with re-ditching. JP Walker added that the City of Brookfield will be putting in a facility near Sunny Slope and Greenfield Avenue in 2006 and that we will be watching this develop so that we can understand the impact of their improvements before we design ours.
- Mike Holzinger was asked about the arbitrage and he stated that it starts as soon as the City is issued the debt. The key element is when the City gets the permit. He stressed the need to concentrate on getting permits first, the obtaining funds, then starting construction in a timely manner. He asked how quickly can the City receive a DNR Chapter 30 permit? Eric Nitschke said that the turnaround was generally about 30 days.
- Alderman Gallagher asked if the arbitrage fees are greater than the interest? Mr. Holzinger replied that last year the City was penalized \$30,000 on unspent money for projects that they didn't start. There is a certain percentage in the first 6 months, and one year and the project should finish in 18months. J.P. Walker said that they will work with the Finance Department on whether or not paying off the debit should be done in 10 or 20 years.
- After a brief discussion, Mayor Wysocki directed staff to leave this item on the agenda.

**Item SW 18-03        Tess Creek Pond Update**

- J.P. Walker stated that they are waiting for the DNR to approve this project and get started on construction.

- Mayor Wysocki stated that staff should make sure the landowner is aware of this, and that Alderman Harenda receives a copy of this update.

**Item SW 19-03      New Berlin Hills Streambank Stabilization**

- Director Grzys said that Park and Rec has done some design work and received an approved contract for construction. They are waiting for the end of the season to start and that this project should be completed in early 2004. Eric Nitschke added that a grant was applied for and that there is a good chance that the City will be awarded it.

**Item SW 20-03      Downspout and Sump Pump Discharge Policy**

- Eric Nitschke stated that Staff would like to table this item and Director Grzys added that it was on the Utility Committee agenda.

**ITEM SW-21-03      Roadway Projects/Storm Water Projects – Funding**

- Eric Nitschke read a memo that he had written to the Storm Water committee. A discussion is required to address concerns regarding the funding of roadway projects and storm sewer projects. In particular, the separation of the two, especially in regards to the more traditional roadway project. In the past, when a road required total reconstruction, if storm sewer or detention ponds were a required part of the roadway project, they were to be paid for by the roadway CIP budget. Since the inception of the Storm Water Utility, all storm sewer pipes are listed under the utility as an asset. This includes storm sewer that is installed with roadway funding. Currently the Storm Water Utility's budget was not set up to handle the increased cost of installing storm water facilities on roadway projects, and residents were told that the Storm Water Utility would not have a rate increase in its first 5 years. Staff feels a solution for these budgeting concerns needs to be developed expeditiously.
- Mayor Wysocki asked if this was a Storm Water sewer and not ditching? Mr. Holzinger said that yes, this was an asset to the Storm Water Utility and that if you exempt Storm water, are you going to exempt Utilities.
- Alderman Gallagher asked that the City check to see what other communities do and Mayor Wysocki directed staff to follow up on this and keep this on the agenda.
- A yearly project report from Chuck Trevorow, Storm Water Supervisor working with Cathy Schwalbach, was also given to the committee members.

Motion to adjourn by Alderman Gallagher. Second by J.P. Walker. Upon voting the motion passed unanimously.  
Meeting adjourned 6:30 pm.