

Minutes
Water Resource Management Utility Meeting
(Formerly Stormwater Utility)
January 12, 2010

Please note: Minutes are unofficial until approved by the Water Resource Management Utility (formerly Stormwater Committee) at their next regularly scheduled meeting.

Present: Alderman Ken Harenda, Alderman Bill Moore, Alderman John Hopkins, Commissioner Jim Kern, and Mayor Jack Chiovaturo

Others Present: Nicole Hewitt (Division Engineer), Cathy Schwalbach (Project Engineer), Chuck Trevorrow (Stormwater Supervisor), JP Walker (City Engineer) and Sue Hanley (Administrative Supervisor Utilities & Streets)

Meeting called to order at 4:50 pm by Alderman Harenda. Roll call and declared a quorum with all members present.

OLD BUSINESS

SW 01-10 Approval of Minutes – November 10th meeting

Motion by Alderman Hopkins to approve the minutes from the November 10th meeting. Seconded by Commissioner Kern and upon voting the motion passed unanimously.

SW 07-09 Stormwater Management Plan Addendum – Executive Summary

Hewitt: We have completed the addendum to the Stormwater Management Master Plan that we have been working on the last few years. It updates the DNR, MMSD and City regulatory requirements since the 2000 SWMMP was adopted, incorporates different planning studies and does an analysis of our WPDES permit requirements for our TSS removal rate and what the options are to get to 80%. It gives an update to the SWMMP Plate 1 which identified the different facilities needed in New Berlin and lists the current and unresolved problems. It looks at the funding and financing options and an assessment of the Stormwater Utility. Section 6.3 Land Use is a new section which identifies several locations that have the possibility of future development and there is a need to develop stormwater guidelines for those specific areas (Map 6).

Harenda: I would like additional time to look at this before we make a recommendation to Council.

Hewitt: It will be before the Plan Commission for approval at the end of March and then to Common Council in April.

Moore: Is Section 6.3 the only new section? Is there anything else new other than what you say is expected under 2.2.12?

Hewitt: Section 6.3 is new. The items in red under 2.2.12 have recently come up and will be added into the plan. The only other change from the previous one was the financing options and the different rates were updated to reflect the most current numbers and their analysis of different financing was added in Section 7 to look at the \$500,000 borrowing and the \$100,000 per year that we have been putting in for the drainage projects.

Harenda: Some of the other sections have changed and have an impact compared to the old plan.

Moore: Was everything prior to 6.3 being added been approved before?

Harenda: We approved this money about a year ago to revise the current SWMMP. We are not approving a new plan; we are just taking the old plan and updating it with the addendum.

Hewitt: When the old plan was created a lot of the new regulations and the WPDES permit were not in existence so we are incorporating those. This addendum is new and has not been approved.

Harenda: There is a public hearing at the Plan Commission and a few other things to update the Comp Plan. This is incorporated into it. The Committee will make a recommendation to Council to update the original SWMMP with this addendum. Please review it and we will discuss at the next meeting.

SW 14-09 Approval of 2010 CIP Budget for Water Resource Management Utility

Hewitt: This is request to borrow \$500,000 for CIP budgeting for the next 5 years. I've outlined the need for this based on the number of projects that need to be done that don't come under the scope of the drainage list. There is a list and associated maps of the projects we are looking at. This will allow us to apply for grant funding since one contingency is to have the money available to fund the project prior to applying for the grant.

Harenda: I don't understand the paragraph that states "that is the objective of dictating \$200,000 a year for multiple years."

Hewitt: That paragraph is about Underwood Creek which will receive \$200,000 per year.

Harenda: The next paragraph talks about a detention facility that was to be constructed in Brookfield but never was. Are we looking at utilizing some of this money for that?

Hewitt: No. That is above and beyond the scope. The first paragraph in the summary talks about how we borrowed large sums of money in the past to get a regional project done. Some things have been completed, others not and it carries over. The plan is to borrow \$500,000 a year and spend that money each year rather than carry over the amount so that we can complete the projects on this list, but not the large projects. We will look at other funding options for that project and look at the feasibility of doing the work.

Harenda: In the next paragraph you break it down to \$35,000 for design and \$465,000 for construction. I assume on an annual basis that will be reviewed and approved.

Kern: This would be new dollars not planned on before.

Hewitt: Yes.

Kern: The additional cost would be the interest expense?

Hewitt: Above the \$500,000 would be the interest. Our Finance Director Mr. Chipman said we can borrow the funds from the Sewer Utility which would result in borrowing to ourselves and provide better rates.

Harenda: At the last meeting we talked about utilizing capital improvement money but there was never enough money to borrow because we borrowed a number of years ago and we are paying that debt off now. The concern was approving additional debt service and not having the ability to pay it off. The ability to borrow for a smaller amount of capital improvement money is there, we don't have to wait until 2013.

Hewitt: That is why I decided on \$500,000. The spreadsheet identifies the project and shows what it will do to the cash flow so that we are not putting ourselves as far down like in the past if we borrowed a large amount like we did in 2002 or 2003.

Kern: \$200,000 a year will be allocated for Underwood Creek leaving the rest for other projects.

Hewitt: Projects that have been identified in the past.

Moore: Since much is Underwood Creek, I assume that no major projects will be included such as purchasing homes.

Hewitt: No major projects will be included that will be above \$200,000.

Moore: If the whole area had been vacant and we had then the rules and regulations in place now, would any of the homes affected by the flooding allowed to be built?

Hewitt: Yes.

Hopkins: Yes I agree they would be. Some of the homes to the west in Gatewood for instance, that was a swamp. In today's environment that would probably not have been filled in.

Hewitt: There are a lot of places around the City that wouldn't have been built today if we had the regulations in place.

Hopkins: But the places that are being flooded, you can build there today.

Moore: On that basis, I am wondering if the codes are strong enough to keep that from happening. If people could built on what is now a floodplain

Hewitt: It is not a floodplain. They are flooding, but it is not a floodplain.

Moore: I understand. My concern is, if they are flooding, my suggestion is that we have strong enough codes so that we wouldn't get into this situation in the future, where homes are allowed to be in the area are flooding on a somewhat regular basis.

Hewitt: It is a greater than 100 year storm when this happens.

Hopkins: Parts of Brookfield that flow into here that was a marsh at one time, parts of Gatewood, if those had been left open, the homes today would probably not be flooding.

Harenda: As new construction does occur in the city, our codes are in place to limit things like this and stormwater facilities would have to be put in place to alleviate these concerns. If this was a vacant parcel today, some may have and some may not have been built on, but we would have required facilities to take care of the flow.

Hewitt: If there was nothing built there and they tried to build there today, they would be putting in the right detention facilities to prevent the flooding from occurring. It would cost the same if not more to buy out the homes which would not fix the problem and homes outside the area that are having minimal problems would still be affected. I would rather spend the money on actually fixing the problem.

Moore: My concern is since we are looking at the SWMMP, I want to make sure we are recommending as strong as codes necessary in order for flooding to occur in the future.

Hewitt: We have many different regulating agencies including ourselves, overseeing development today.

Moore: If we look at a parcel of land and there has not been flooding historically but it is downstream from an area that is possible for development in the future, if we allow that development to occur, are we looking at the upstream area to make sure that any development in the future will not impact downstream development we are approving.

Hewitt: That is what all of our regulations do by prohibiting the flows for the 100 year flow down to what the 10 year flow is. What you see in a 10 year flow now will see in a 100 year storm in the future. We have the ordinances in place and look upstream is handled.

Moore: When we approve something we are looking upstream and do include possible restrictions on upstream development.

Hewitt: No you do not. As part of approval of one project, you do not put restrictions on another parcel of land.

Moore: That is what I am suggesting we may need to do.

Hewitt: The regulations as they stand right now and enforce on every parcel take care of that. We look when they come in to do the development; we say you cannot have any more flow from this development because we have issues already. We look at downstream analysis when you put in any facility.

Moore: An upstream development may have some restrictions due to the downstream affect it might have.

Chiovatero: With the regulations right now, a development may improve the downstream conditions, because untouched the land can do whatever it wants, but a developer has to follow the regulations to control their own stormwater.

Hewitt: It is to less than what is already out there.

Motion by Alderman Hopkins to recommend to Common Council to approve the 2010 Capital Improvement Budget in the amount of \$500,000. Seconded by Commissioner Kern and upon voting the motion passed unanimously.

SW 20-09 Discussion on Tess Corners Pond Feasibility

Hewitt: We are waiting on Muskego's official response.

SW 21-09 Update on Railroad ditching plans near Elm Grove Road North of Honey Lane

Hewitt: No update at this time.

Hopkins: I have heard nothing.

Chiovatero: Have they done any work?

Hopkins: Not that I have seen.

Hewitt: We had the first big snow 2 days within the timeframe they were going to start. I don't think sending another letter would help. They do communicate, but they aren't giving us the information that we want. I call about every 2 weeks.

Chiovatero: The local people are doing work are keeping in touch with you, but not the railroad.

Hewitt: Once they are out there I can talk to them out in the field, but I am not getting response from the railroad.

SW 22-09 Preliminary Approval of Co-Application with City of West Allis for Dredging Permit At 124th Street Culvert

Hewitt: This is the area south of Cleveland where the Root River crosses 124th south of the gas station. We had significant flooding are the residences adjacent to the box culvert. West Allis is proposing a dredging permit. Originally the costs were quite small, but the construction estimate puts it at \$67,000 and at the max we would pay 50% cost share, but it depends on the amount of work in New Berlin.

Harenda: This is included in the 2010 CIP Budget?

Hewitt: Originally it was going to be taken out of the Contracted Services account but it got over and above what it could handle and now it is included in the CIP.

Kern: How many New Berlin homes are affected and how many in West Allis?

Hewitt: About 4 or 5 homes in the city are affected.

Hopkins: There are more homes affected in West Allis. We are the ones that get the damage.

Kern: How did you arrive at a 50% cost share?

Hewitt: It will be 50% max, but it depends on what is done on our side. It may be minimal because our guys have been cleaning it out. There are a couple spots where sediment has been backing up. West Allis has piles of stuff.

Chiovatero: If the entire project comes in at \$17,000 could you take it out of contracted services?

Schwalbach: There is at least \$17,000 in this account, but then we would not have that money available for other contracted services or a survey.

Motion by Alderman Hopkins to approve the 124th Street Cross Culvert Project with the City of West Allis. Preliminary approval for Cost sharing not to exceed \$33,500. Source of Funds: 2010 CIP Account. Seconded by Mayor Chiovatero and upon voting the motion passed unanimously.

NEW BUSINESS

SW 02-10 Approval of Intern Funding Extension to 2010

Hewitt: Last year we never received a response. This would result in a +\$4,000 for the 2009 budget and a -\$4,000 for the 2010 budget. The scope of work has changed to get projects on the CIP list ready for bidding and doing design work to get projects on the shelves so they are ready to go whenever we have funds are available.

Motion by Commissioner Kern to request the Common Council to extend the funding for the Intern position in the amount of \$4,000 for the fiscal year 2009 through 2010. Source of Funds: 70710710.50020. Seconded by Alderman Moore and upon voting the motion passed unanimously.

SW 03-10 SEWPRC Planning Report Water Quality Management Plan update - Comments

Harenda: Staff is going to review this and report back to us at the next meeting to see if there are any impacts to the Utility and the City of New Berlin.

Hewitt: This report is in relation to the different water quality management studies and plans, reports that SEWRPC has done. It is an analysis of the watersheds that affect the Great Lakes and MMSD Planning area. There are several regulations coming out of this report done in 2007, the updates in the MMSD plan and the updates in a lot of the DNR regulations and several others are based on the recommendations in this plan. There is nothing that we are not doing in the plan except if we wanted to do more stream bank restoration projects, but at this point we put this off to concentrate on flooding and drainage issues. I think most of the recommendations are being taken to the next level by different planning commissions and groups such as Sweetwater Trust, Root Pike Win, and the Swat Team.

Harenda: Who is our representative?

Hewitt: JP attends the MMSD meetings. I attend the Sweetwater Trust meetings.

Walker: Rick attends the TAT meetings.

Chiovero: I will follow up to make sure he is attending and Rick's name is on their list.

Hewitt: I will check with Debra Jensen to see if I am on any lists. She disseminates a lot of the information.

Harenda: We have had some plans that have come out of SEWRPC, Waukesha County and MMSD and have had representatives listed who are not longer with the City, so I just want to make sure we have people in attendance or know what is doing on. When you bring forth the 2010 approval of the CIP there will be questions at Council regarding the drainage list so be prepared. We have discussed trying to find additional money to utilize for our ditching projects.

Hewitt: We used \$100,000 last year and budgeted this year to continue to contract out part of the drainage list.

Harenda: Street crews are always playing catch up. Hopefully nature will give us a break.

Motion to adjourn at 5:28 p.m. by Commissioner Kern. Seconded by Alderman Hopkins and upon voting the motion passed unanimously

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Respectfully submitted by Sue Hanley, Administrative Supervisor Utilities & Streets*