

Minutes
Water Resource Management Utility Meeting
(Formerly Stormwater Utility)
May 11, 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) and Sue Hanley (Administrative Supervisor Utilities & Streets)

Meeting called to order at 4:45 pm by Alderman Harenda. Roll call and declared a quorum with all members present.

OLD BUSINESS

SW 01-10 Approval of Minutes – March 9, 2010 meeting

Motion by Alderman Hopkins to approve the minutes from the March 9th meeting. Seconded by Commissioner Kern and upon voting the motion passed unanimously.

SW 20-09 Discussion on Tess Corners Pond Feasibility

Hewitt: No update. Muskego is doing their own study to make sure they agree.

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

Hewitt: They let me know that they will be doing work. I cannot get a response regarding what the work will be.

Hopkins: I have seen trucks on a couple of occasions, but I have not seen any work done yet.

NEW BUSINESS

SW 08-10 Approval of Funds for Property Acquisition and Demolition

Hewitt: The requested action is for the WRM Committee to request the Common Council to approve city funding for property acquisition and demolition, for 12415 Meadow Lane and 4 neighboring properties. I outlined the fiscal impact for the properties. The Harmons are the only one's requesting a buy-out at this time but they pointed out they wanted to make sure the other property owners had that option also.

Hopkins: I have approached the Dimmicks and they do not want a buyout.

Hewitt: The Harmons were flooded in 2008 and 2009 with significant damage. The water was 2 feet high, they said 2 ½ feet and they lost cars, personal items, snow blowers, lawnmowers, furnace, water heater and they live in constant fear of the next storm. The properties lie in the lowest point in the area. Underwood Creek goes into the box structure at Meadow Lane and runs to 124th and dumps into Greenfield Park.

Harenda: You are still looking at more options and evaluating them.

Dennis and Kim Harmon 12415 Meadow Lane. Mr. Harmon said that they are worried about the rain and what has happened in '08 and '09 and has occurred 6-7 times over the past 8-10 years, with the last storms being the worse.

Moore: Is this designated floodplain?

Hewitt: No. The stream is underground in the box culvert at that location. The floodplain is mapped where it goes into the box culvert.

Moore: Should it be floodplain?

Hewitt: Not necessarily. The FEMA flood insurance policy states that the box culvert contains the 100 year floodplain. The rainfall amounts in the storms of 2008 and 2009 were between the 100 and 500 year rainfall amount. The rainfall amounts don't necessarily indicate what the flood levels of the streams are. The flood level of the stream in those cases exceeded those capacity levels.

Moore: How does their property compare to others in the city outside these 5 properties?

Hewitt: The majority of the residences that experienced flooding in those storms were not in floodplains.

Moore: If it was a 90 year storm, would they have flooded?

Hewitt: Every situation is different, so I couldn't say what would happen. We don't study 90 year storms. There were 84 other properties that had damage during those storms, including basement flooding, damage to water heaters and personal goods. Walls collapsed on some houses.

Hopkins: They had the highest in the driveway where they lost the cars.

Moore: Should we apply to have floodplain designated?

Hewitt: You don't apply for it. There is a study that is conducted. SEWRPC is in the process of remapping south Underwood Creek. They will be studying this area, but it won't be complete until 2012.

Harmon: We have owned the property for 20+ years and the flooding didn't start until 8-10 years ago. We have been flooded 6-7 times and it seems each occurrence is worse. '08 was terrible and '09 was the worst with 2 ½ feet of water in the basement and driveway. Both cars were a total loss and insurance was cancelled.

John Dimmick Jr. 12426 W Meadow Lane – The last 2 years we have been flooded out with 3 feet of water in the yard and showed the Mayor the next day. Water going down the street was knee high and a wave that was a foot high. I lost materials from a home improvement business. It had gotten worse since they redid Greenfield Avenue. Everyone says they are looking into it. I did a lot of work in my yard. I lost goldfish a foot long. I have seen 8 floods in 16 years. Maybe we should ask the state why they pump water off Greenfield Avenue into the creek way which is not that big. My neighbors had water running into their basements. I talked to a man and he said there is going to be a big box culvert with an 18" pipe with a 24" pipe coming in and a 6" pipe going out.

Hewitt: It was analyzed and determined it would not have any significant impact to the flooding. There was no room in that location to do anything bigger.

Dimmick: I lost \$3,000 worth of materials in my house. We have to do something. We pay a lot of taxes. I want to build a garage in my yard, but I don't know if I want to because of the flooding problems.

Harmon: The property acquisition was presented to us about a month ago by city leadership and we were told that was the least expensive option to alleviate our flooding problems and our neighbors' flooding problems. I think there were projects close to happening but there is no money or the DNR doesn't approve it.

Chiovatero: I was over at these properties last year and was speechless. I know this has been a priority to find some alternatives. We think we can do some things to alleviate it, but it is not enough to make a difference or DNR approvals have failed us. We did meet with the Harmons and went through a series of options. We can work with the DNR to get grants to purchase some of these properties, but the application is not for another year and a half if they have the program (2012). Nicole is looking at the stormwater area that was supposed to be part of the Greenfield project. That is where you see the \$1.8 million dollars but because of finances, the stormwater utility is borrowing money from another utility to get work done. We have been trying to find solutions to alleviate it.

Hopkins: Everything that Mr. Harmon and Mr. Dimmick said is correct. There was a wave that came down Meadow Lane and washed out big chunks of the road in front of the Dimmick property. Even west of Elm Grove Road, my property had \$7,000 worth of damage. My property doesn't take precedence over anyone else's and never will, but we need to try to continue to find solutions for this. I know what the Harmons are talking about; when it rains my wife is on edge. I just invested in about \$200 of a different type of sandbags. When I got reelected I

said that I will continue to work on stormwater. Years ago Alderman Wysocki and Alderman Bullerman walked the area from Sunny Slope east and we knew what the problems were. We need to keep working at this.

Harenda: We are looking at some alternatives. Where do we stand with your analysis?

Hewitt: We have about 10 different projects and we are focusing at 1 or 2 to do an analysis.

Harenda: We are putting this on a high priority, but we are limited with regard to the grant cycle. If it is available it won't be until 2012. Our stormwater engineers will be reporting back to this committee.

Moore: Should we discuss putting it on the 2011 CIP budget?

Harenda: Staff has been reviewing all of the projects for the 2011 CIP budget.

Moore: There is a requested action to approve city funding.

Hewitt: This is a request from the residents to buy out the property. I am not making a recommendation. If you agree there can be funding allocated I would agree.

Kern: Can you describe the other options?

Hewitt: The area was built out from the 70's or earlier. The locations for putting in facilities are limited. There is Prospect Park where we were talking about underground storage areas. We are looking at buying out a range of properties to put in storage. We need to hold the water and release it at a slower rate to alleviate the problem downstream.

Harenda: We don't have an analysis of all the other options to see what will benefit the residents downstream. There is no funding in this year's budget for this. This is a high priority area and we have addressed it in the past.

Hopkins: The Harmons need relief on their property, but this will not help anybody upstream.

Moore: This is a request to the Council to include this in the 2011 budget. When will we see the rest of the options?

Hewitt: This request is for immediate funding. This was not a request for the next budget cycle.

Chiovatero: This is the end of the stream. If these properties were purchased, would we build a facility to retain this water?

Hewitt: There would be no benefit for the City of New Berlin to construct a facility on this property. It would benefit to West Allis and Brookfield. If they would like to do something on the properties we could work with them.

Chiovatero: Would West Allis like to use this just as we would like to use some property in Brookfield, maybe they could help out with purchasing or building a facility.

Hewitt: I have no indication they are interested.

Hopkins: We asked them to work in the park between there and Greenfield Ave but they have not done anything.

Moore: You are saying there is no other option.

Hewitt: For immediate results in the next 2 months, a buy out would be the only way. There are options for relief in this area, but it will not resolve greater than 100 year storms. None of the systems are designed for the 100 year storms. We have had the highest level of rain in the last 10 years, over the past 50 years.

Moore: I move that the WRM Committee request the Common Council to approve City Funding for Property Acquisition and Demolition, in the 2011 CIP budget for 12415 Meadow Lane. Seconded by Alderman Hopkins.

Harenda: The other aldermen will ask what the benefit is to the City so how can we make a recommendation to the Common Council in a budget we haven't discussed without information from staff.

Moore: If the answer is something specific, then we need to table it.

Hewitt: I don't believe they are willing to wait for a solution and I don't blame them.

Harenda: We haven't done a financial analysis, how is the utility going to pay for this. How can we make a recommendation to Council without knowing the ins and outs and knowing the other options?

Hewitt: The utility cannot fund this without going below what we were set.

Kern: We are empathetic to the situation, but even if we buy one property, would it solve the problems of the other properties? What would the residents of New Berlin get? Not a whole lot. We need more information.

Harenda: I have met with staff over multi occasions, Alderman Hopkins and the Mayor has too. A couple of the options fell through because of capacity; the DNR was not favorable on some issues. Our neighbors on the other side of the municipal boundaries are not always working with us. We are limited in the funding we have in WRM.

Chiovatero: The aldermen are going to ask what are the taxpayers getting? We need to look at other options.

Hewitt: At this time we are not throwing out any options based on cost.

Chiovatero: I would like to make a motion to table this item. Seconded by Commissioner Kern.

Moore: We need to look at if things have changed since the property was occupied. Has the city allowed more impervious surface than the land can handle? Mr. Dimmick said that Greenfield Avenue was expanded and more water has come.

Chiovatero: I talked to Mrs. Harmon last year and they have a beautiful property and they don't want to sell it. But in talking to Mr. Harmon, we love the property, but if we wanted to sell it we couldn't. That forced them to look at this option and it may be the only way for them to get their fair market value although we don't want to move.

Harmon: Whatever you decide. No one wins. We have to give up our house. You said you need to evaluate this. We heard this a year ago after the flood of 2009. What happened in a year? There may have been some small projects that were rejected by the DNR but nothing moving forward. We are still dealing with the rainstorms.

Moore: What is the timeframe that you will have an answer?

Hewitt: They are running analysis of 1 of the alternatives right now. We want to do a project that makes an impact.

Harmon: We could flood 5 more times while you are doing that. We are reasonable people and have been patient. If you can give us a timeline.

Hewitt: There are 10 acre feet in Prospect Park that we were looking at to take up that entire area but that had zero impact to your area. It is not for a lack of effort, we need to find something that will make an impact.

Harmon: You have to find an answer. We are still having a problem. Every time has been worse. Someone will get knocked over by this wave or water or electrocuted and die.

Harenda: Staff is working on multiple options and it is a priority.

Moore: I will support it if it is in time to make a decision for the 2011 budget.

Hewitt: This will be multiple projects. I will bring them forward as they are viable.

Harenda: Some options are costly, some are not viable, some depend on other municipalities to help us and some are dependent on DNR approval. The options that have come up in the past have not been helpful.

Motion by Mayor Chiovatero to table this item. Seconded by Commissioner Kern and upon voting the motion passed unanimously.

SW 09-10 Discussion of Policy on Low Flow Piping (Muskego Drains)

Schwalbach: In 2006 showed you an installation that the City of Muskego was doing and it worked well for continuously wet ditch line. We have installed a large section near Marquette Drive and watched them over winter to see if we had problems with freezing and watching the maintenance issues. We will be putting together a policy to use this practice in certain situations. This may be an easy way to handle constantly wet ditch lines caused by constantly running sump pumps or high groundwater. Until now we didn't have any options. It is like a drain tile in the bottom of the ditch that allows a low flow to run through the bottom. It is covered with grass and gives the resident a drier ditch line where they can mow. I looked the sump pump discharge heading into the piping and then I would see the other end and there wouldn't be any water coming out because the piping is perforated and it is set in stone so the water constantly running infiltrates better than it had been and it is absorbed. We will be coming back to you in about a month with guidelines on where it will be used, when, what our specifications will be and want your input on whether or not the residents should be charged for the materials.

Harenda: This is an excellent idea.

Hopkins: It started with the Schaeffer property and they are very happy with this.

Schwalbach: He is happy with it and had no maintenance problems except for leaves getting into the piping. We have worked with 2 different sizes of pipes so that if it would get clogged we would be able to blow it out.

Moore: Would there be a written agreement between the City and property owner to maintain it?

Schwalbach: There could be something written in the policy.

Harenda: It is in our code that they are responsible to maintain the ditch line and the right-of-way.

Schwalbach: Our concrete invert policy does dictate that the resident is responsible for doing minor things such as mowing and pulling garbage out and the City is responsible for doing major repairs such as replacing a section. We could work that into the policy in a similar manner.

SW 10-10 Discussion of Downspout and Sump Pump Discharge Code Changes

Hewitt: We have been discussing how the current code reads regarding downspouts and sump pump discharges. We constantly have requests from people to bury their sump pump lines and downspouts directly into the ditches. A lot of those areas are flat and they remain wet and cause erosion. If a storm is coming and they have them in the ditch, it causes their sump pumps to back up and stop running. We are proposing to limit the extensions to not greater than 10 feet from the structure. Right now it states that it cannot be within 10 feet from any lot line.

Harenda: Old and new?

Hewitt: We would have to work to bring the old ones in here. We wouldn't be the downspout police but it would be something we could look at with building permits or an existing problem in the area.

Harenda: In my district they are all buried in the ditch line and it does create problems.

Kern: Would you still allow residents to bury the sump pump line?

Hewitt: It depends on the location. Right now every one I see goes directly into the ditches and some run constantly causing a problem downstream. There are a lot of things to work on like how it would be implemented on things already existing. Some subdivisions are developed with connections already to the storm sewer that they have because they have control of the stormwater in a pond in their facility.

Moore: This is a great change. I would like to strengthen the phrase, "if an alternative location is not feasible." Often a downspout is near the corner of a house; perhaps we could emphasize the alternative to direct to the front or the rear. Would it be possible to allow them to extend it farther if we do something like that?

Hewitt: That is what they will be able to do unless the slopes on their property are such that the only place they have the distance to do it would flow back at their house.

Moore: You will take into account slope around the house.

Hewitt: They will have to meet the code as written less than 10 feet from the structure and greater than 10 feet from the property line. If they can't because their structure is too close to a property line, we would have to look at the alternative location for the discharge and if it is not feasible that it be routed to another location on the property then they would be able to do the one half distance which is the current code.

Moore: When the downspout is ejected to the side but the houses are too close together to meet the 10 feet from the lot line and putting it out in the backyard, the slope toward the house was a concern and it might have to go farther than 10 feet away from the back of the house.

Hewitt: That would be where the alternative location is not feasible. If they cannot meet the requirements we have to find a way that they can discharge the sump pumps and downspouts. They could also put in a rain garden or something in to absorb the water. They can only use the half rule when they don't have an alternate location.

Moore: I would like to see downspouts that are now going into drainage ditches to be disconnected like I did myself and put them into our property. Is that included in here?

Hewitt: It is meant to encourage people to do that and we will try to implement programs to give them incentives. This is just discussing the code changes to limit the extensions so that people don't extend 50 feet out to the ditch.

SW 11-10 Discussion of Invert Lining and Asphalt Upgrade Policy

Schwalbach: We are looking at these 2 policies and more natural alternative practices. We are seeing issues with putting concrete at the bottom of a ditch and believe technology has come along enough to switch to things that have been tried and proven such as planting methods, natural swales and are doing some experimental work to see how this would work along ditches and roadways. The low flow piping is an option that we believe is better than concrete instead of taking discharge that is running constantly and putting it in concrete and running it downstream to the property on the end. We are reevaluating the requirements for using it.

Harenda: Are you going to put the projects on hold while working on the policies?

Schwalbach: Correct. Anyone on the construction list that has been told they are going to get concrete will, but for anything new we will reevaluate.

Hopkins: I support you on that. For instance the Latrelle property who has been waiting 5 years. I don't think we can change our mind on that and make them wait.

Kern: Do you evaluate the plastic pipe option?

Schwalbach: We don't do any of that yet but for people that have been told they can get concrete to say there is another option for you and explain it.

Moore: Although the low flow pipe was a good option to concrete, I appreciate you changing over to natural.

Harenda: Keep the committee updated and if something impacts old inquiries, keep the aldermen informed.

SW 12-10 Discussion of Drainage List Priorities

Hewitt: With the back log we have and the projects that go onto the drainage list for repair, I would like to suggest a change to not include Priority B items which are general maintenance issues such as a wet/damp ditch, difficulty in mowing and minimal sediment build up that is not causing flooding problems. I would like to keep them in the database but as a maintenance issue and not on the drainage list and so when we are doing projects in that area we note where these issues are and they will be part of a bigger project. I would also like to breakdown priority A1 and A2 into more clear definition so that when people's houses are flooding are higher priority than a yard flooding.

Harenda: I would like a little more information on this. How many issues are maintenance? Some people think maintenance are bigger issues than you or I would believe.

Hewitt: This is where the system is not breaking down, there are no obstructions, and there is no flooding. Basically an uneven ditch would not constitute a need for repair.

Harenda: If you get an accumulation of maintenance projects in a certain area, you could target those.

Hewitt: Yes. If we had maintenance issues in an area, that would be a place where we go do a bigger project.

Moore: I have always been concerned about people complaining about a little standing water. We need to pass on those concerns to you, but because of the backlog, you probably won't be able to get to them without including it with some project with the road. This will give them a better indication when it would be done.

Kern: Would the people that are categorized as B projects have the option to appeal to A2?

Hewitt: They would still have that option.

Communications:

From Nicole Hewitt, Division Engineer

Re: Turf Fertilizer Rule

Hewitt: This is information on the new legislation and rule to let people know about it.

From Cathy Schwalbach, Project Engineer

Re: Ditch Violation Door Hanger

Schwalbach: We wanted you to be aware of it. This helps give staff the ability to do something about the problems that are causing bigger problems.

Hopkins: I approve. Some of the ditches in my area fill up with leaves in the fall, they freeze, the flooding comes in the spring time and there is a problem and people won't clean the ditches out. I like this idea.

Motion to adjourn at 6:08 p.m. by Alderman Hopkins. Seconded by Alderman Moore and upon voting the motion passed unanimously.

*Please Note: Minutes are not official until approved by the Committee
Respectfully submitted by Sue Hanley, Administrative Supervisor Utilities & Streets*