

**Minutes**  
**Water Resource Management Utility Meeting**  
(Formerly Stormwater Utility)  
**September 21, 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), Mark Blum (City Attorney) JP Walker (City Engineer), Chuck Trevorrow (Stormwater Supervisor) and Sue Hanley (Administrative Supervisor Utilities & Streets)

Meeting called to order at 8:02 a.m. by Alderman Harenda. Roll call and declared a quorum with all members present except for Alderman Moore who was expected.

**OLD BUSINESS**

**SW 01-10 Approval of Minutes – August 10, 2010 meeting**

Motion by Commissioner Kern to approve the minutes from the August 10, 2010 meeting. Seconded by Mayor Chiovaturo and upon voting the motion passed unanimously.

Alderman Moore arrived at 8:03 a.m.

**SW 20-09 Discussion on Tess Corners Pond Feasibility**

No further information

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

No further information

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

Hewitt: Previously it was a listing of 5 properties for acquisition, but 2 asked to be removed and the totals were updated. This item is listed to use City funding for the project. Our current CIP budget for the \$500,000 moving forward for the next 5 years would not be able to handle this project.

Hopkins: Were we going to move forward for a grant?

Hewitt: Yes items 16-10 and 17-10 is the grant application which was filed September 15th and include 2 of the properties – Majewski and Harmon. The 3rd decided not to be included in the grant application package.

Chiovaturo: What amount will the City be responsible for if we receive the grant?

Hewitt: I believe \$245,000 would be the City's part. They have to do a cost benefit analysis on our paperwork which will give us an indication in November, the state submits the application in December, but we won't hear until March if we get the grant. This item is not associated with the grant application, it is for a buyout.

Mr. Harmon said that his part was about \$300,000. He said they are part of the FEMA grant application, but they first have to get past the cost benefit analysis and then be lucky enough to receive the grant. He said he is looking for a contingency plan. Since he spoke at the Committee in May, they were flooded on June 15th after only approximately 1 ½-1 ¾" of rain and they were flooded after the rain stopped as the water continued to flow and July 15th he was flooded approximately the same as in 2009 – about 2-2 ½ feet of water across the garage, property and basement. He said they have to anticipate the weather and they have to move their cars and get things off the floor in the basement. They have a sandbag wall now to guard their walkout basement garage door which were

taken out by that storm. He said he had to have more sandbags and will be there until the flooding problem fixed. They are getting their furnace rebuilt again.

Hopkins: If we move forward with the work in the creek which we propose for next year, what would that do at 124th Street. Would there be a difference at the Harmon's property?

Hewitt: That shows a reduction of a foot, so if the flooding 2 to 2 1/2 feet, it will be reduced to 1 to 1 1/2 feet.

Hopkins: I think if we do the work, it will help the property across the street, but I am not sure about their property. I support the Harmons. I know the problems they have to move things in the basement and move cars. I spent \$6,000 in landscaping to divert the water away from my house. Is there a way to put forth their property and hold off on the others until we see what happens with the grant?

Hewitt: We are putting forward their request and you have to decide if the City could fund this.

Harenda: I don't see money in the Utility and using City money would be even more difficult.

Moore: I don't see why we wouldn't include the Majewski's property as well as the Harmon's because the elevations are the same. It seems it is in the best interest of the city to not have those homes continually problematic when it comes to 1 1/2" of rain. Is it appropriate to wait to the grant to come through before we act?

Harenda: The request is to approve the 3 properties for acquisition which would have to be approved at Council and the City would have to provide the funding of \$652,000. Further on our agenda, there are items to acquire the properties through the grant and the City or the Utility would have to come up with \$245,000. The City does not fund stormwater projects and this amount is about half the amount of our operating budget for the utility. The bigger projects that have been previously approved helps significant number of properties downstream. I am not trying to belittle the issue but we are limited to what we can do.

Chiovero: The Harmons want to be bought out now. I talked to Mr. Majewski and he said that he was going to seek legal action because the previous owner did not disclose the flooding issues. He said that his house was bought will state money because his house in Fort Atkinson was bought out because it was flooded.

Schwalbach: He did not mention this, but he does have repetitive basement flooding.

Chiovero: I support the Harmons, but I don't know where the City would get this money.

Mr. Harmon said that they aren't asking to be bought out before the grant, they would like a backup contingency plan. He said that they want to sell their house but they cannot. He said they have been very patient. They flooded several times and the times that it rained that they did not flood, they still watch outside the windows and are concerned. Mr. Harmon was concerned to get into the 2011 budget cycle.

Harenda: My suggestion is to leave it on the table until we hear back from the grant. If we receive the grant then we need to discuss how to finance it. If we don't receive the grant then we can take it up at that time.

Mr. Harmon said Nicole, Chuck and the Streets crews and other city resources are continually helping and they would not to be there if their house was bought out. He said he appreciated the project (which has not been approved yet), but cutting the flooding to 1 1/2 feet does not make their house marketable.

Chiovero: This has to go to Council for approval and Council will ask why the Harmons, why not people in my district or why can't the money be used to help more people with flooding. I hate to put an empty action together because of the pending funds for \$650,000 that are needed.

Mr. Harmon said if the Majewski's are going another route and the Fletcher's don't want to be included in the grant process, the total for their property total is about \$300,000.

Hopkins: I agree that the chances of getting it approved at Council are very slim. If they passed this would it hurt our grant chances?

Hewitt: Not if you stipulate that it is contingent on the grant. If you did any action prior to the grant you would not get reimbursed.

Chiovero: This qualifies for CIP. We should table until we approve our CIP budget later this year, to see if we are in line for a grant. If we take action on this before the FEMA grant, I am worried that they will not reimburse us.

Hewitt: I suggest we to table this item until the November meeting until we hear back from the HMA grant and the construction project from Underwood Creek is closed out. They won't push forward the grant application to FEMA unless it meets the benefit cost ratio. We should know by November.

Kern: Has the City done much buying of properties in the past?

Hewitt: About 3, all through grants.

Schwalbach: There may have been one property purchased by City funds with a grant prior to the utility being formed yet. Since the utility has been formed, there has been 1 purchased by state funding – municipal flood grant.

Motion by Mayor Chiovero to table this item. Seconded by Commissioner Kern and upon voting the motion passed with Alderman Hopkins voting no.

### **SW 09-10 Discussion of Policy on Low Flow Piping**

Remains tabled – no new information.

### **SW 14-10 Elimination of the Proposed Pedestrian Path in Prospect Park**

Hewitt: We had a meeting on site where we walked the western side of the park and at that meeting it was indicated by a majority of the residents that they did not want the path put in. We went before the Parks Commission on Monday and they reiterated their position that they would like the path in.

Moore: The same statement put forth at the previous meeting was finalized and passed unanimously that this is a park and since the land would be in prairie, the combination of safety aspect and a location to be able to walk through the wildflower prairie land without destroying it, they requested the path be installed. Nicole told the Commission that a path could not be made in the southwest section without destroying some trees so the Commission agreed not to have a path there.

Hewitt: Correct. Alderman Moore had asked if a path could be put there without a removal of trees, but this was not possible, so it was decided that section would not be put in. The path would be the loop on the north side of Meadow Lane and the south side on Prospect Place from the existing path east.

Hopkins: What funds would this come out of?

Hewitt: It is in the current contract for construction so it is from the Water Resources CIP.

Hopkins: I have respect for the park department, but the majority of the people in the area do not want the trail and they want to walk the street as they have for years and I do it myself. They don't think that money for the trail should come out of stormwater; the money should be applied to things that can be done for stormwater projects.

Harenda: I agree and prefer that the \$48,000 be used for other things. If Park and Rec wants to discuss with residents and fund the trail, they can.

*Alderman Moore asked how many members were informed about the walkthrough and said that he had asked at the last meeting to be informed when the meeting was. Ms. Hewitt apologized that she had not informed him as it was a neighborhood meeting with Mayor Chiovero, Alderman Hopkins, Park and Rec staff, Stormwater staff and Street staff, along with about 75 citizens attended. Mayor Chiovero said the meeting was noticed with the possibility of a quorum and an email went out for that. Alderman Moore did not think it was appropriate that this to move ahead without the ability for him to have a discussion with the residents.*

Kern: What is the downside of eliminating the path? It sounds like a majority of the people want to eliminate it.

Hewitt: The safety walking along the road and accessible to the park.

Schroeder: I would concur the main issue is safety. This is a park system property and if we did development we would want some type of trail to get people off the street. The majority of what I heard was that they did not want the trail, but I wonder if it is because of the impact to their neighborhood that there have been significant changes and they feel that money could be better spent. History on the project goes back several years and when we were approached with ideas to utilize the parkway for this project we heard different scenarios. The Park Commission was asked if they would like to see to create park amenity here. We talked about a small gazebo which was ruled out and talked about environmental education along with a component of the trail. The Park Commission in the spirit of greater good saw there were needs of the residents downstream to address flooding issues and that this will affect the parkway, but we see the benefit to the residents. If you pull the trail out it is your decision to make. The biggest thing is safety and it is also a nice amenity to have. At a minimum the Parks Commission would like to rehab the existing path that runs north-south.

Harenda: The north-south trail will still be rehabbed correct?

Hewitt: Yes. A portion of the \$47,000 will go into reconstructing the path that is existing.

Harenda: We are looking at about \$48,000 that can be used elsewhere in the Utility. I agree the residents in the area don't want it. People are more concerned about adding the trees back. If Park and Rec wants to bring it back at a later date and present the trail option to the residents they can. We do have a requested action to remove the trail and the money will be reallocating to another project.

Moore: How much of the \$48,000 will be used for the trail and bridge across in the middle?

Hewitt: We are working at getting an estimate. It was not included in the original project.

Moore: I am concerned that I was not informed about the walk through with the residents and I feel that one of the reasons that the people don't want the pathway is that they are upset about the tree clearing. I am concerned that they don't know that this prairie planting will keep them from being on the land and the pathway will allow them to go on the land.

Hewitt: There is not going to be prairie planting up to the roadway. There will be areas of mowed grass where residents walk. Prairie plantings will not limit their access to the areas they are using and we discussed that in the walk through. The grass will be a minimum of 20 feet off the road and on the west end on the north side of the stream there will be large portions left with mowed grass where people play Frisbee with their dogs. There was no tree removal on the south side and it will stay as is.

Hopkins: On the north side and the west side is where people used it in the past.

Moore: It is fortunate for water resources that this area was there and in a way it was commandeered from the park system to create a storage basin. It is problematic that you are taking it away from being the kind of park that it was and totaling disregarding the Park Commission desires. The Park Commission is taking a look at this on a long term basis. Residents there now may not want it, but residents in the future may. They are asking you to treat it as a park.

Hopkins: I think it is still being treated at a park. The people that walk and bike long distances go 2 blocks south to the trail. Some of the people that walk the neighborhood just want to walk their block. We are not taking away the park. There is still a large area that they can use that they used in the past. It is a neighborhood park.

Chiovero: I don't disagree with a lot of the reasoning of Alderman Moore, but with putting in the stormwater retention it changed the configuration of the path and brought it closer to the road. When I was out there, the residents said most of them walk in the road since it is a low traffic road. They did not want the trail. Are people outside the area going to the park to walk the trail? I think it is very minimal. They want more trees and grass. I appreciate the Park Commission letting us put the stormwater facility in this park but we had to convince the people that when we took the trees down that we were trying to take care of the flooding downstream. We are going to try to reforest it the best we can, but there was a need to do this. The residents do not want the path.

Harenda: The pathway was part of the original project correct?

Hewitt: Yes. It meandered through the prairie plantings in the original project. The only change was location.

Hewitt: The additional funding that bypassed the Committee and went to Council was for augmenting additional grading work.

Harenda: If the Park Commission wants to discuss this at a later date we can. There is a path already, the residents don't want an additional path and the utility is low on funding and the money can be used elsewhere.

Schroeder: We are in the process of getting quotes on trees and will focus on the east side of the park first.

Motion by Alderman Hopkins due to input from residents in the neighborhood adjacent to Prospect Park recommend to Common Council to approve the elimination of the proposed pedestrian path through native landscaping in Prospect Park that was originally planned to be installed as part of the previously approved Underwood Creek Rehabilitation Phase 2 project. Seconded by Commissioner Kern and upon voting the motion passed 4 to 1 with Alderman Moore voting no.

## **NEW BUSINESS**

### **SW 16-10 HMA Grant Application Statement of Assurances for Application**

Hewitt: As part of the grant application there is a document that needs to be signed regarding the Statement of Assurances. It has several things that we are saying we will do if awarded the grant. I am bringing forth a resolution at the suggestion of Attorney Blum that authorized the Mayor to sign this so it is part of the record that the City will uphold these assurances.

Harenda: The Council has approved grant applications in the past but it is contingent that we can fund the grant.

Kern: If you go forward and it is approved and the City decides you can't afford the 25% and you turn it down, how does the state react?

Hewitt: As long as you don't move forward and accept the money saying we are going to pay for it and we don't, then you are in trouble. If you get the grant and say we don't have the funding and you don't accept the grant, I don't think it is a problem. They can give the grant to someone else. I don't think I will have a problem finding the \$245,000. I am just waiting to find some final numbers come in. By the time we are voting on the CIP I should have the information available.

Harenda: The unique thing here is that the prior discussion for the previous item is that it is not the Utility's money, it would be coming out of City budget and that has never been done before.

Hewitt: The grant part of it is not applied to City funding. It is just the straight property acquisition in Item 08-10 that was the City funding.

Motion by Alderman Hopkins to recommend to Common Council the authorization of the Mayor of the City of New Berlin, Jack Chiovero, to sign the Statement of Assurances for Property Acquisition Projects Document for the Hazard Mitigation Grant Program Application, Resolution 10-39. Seconded by Commissioner Kern and upon voting the motion passed unanimously.

### **SW 17-10 HMA Grant Application Commitment to Match Funds for Application**

Hewitt: The first item is granting the Mayor authority to sign the statement of Assurances for the grant application. This item is commitment of the matching funds. One is the funding mechanism and one is the assurance process.

Moore: Why is this list different than the previous list?

Hewitt: There are other properties in the City, not just Underwood Creek. Fletcher didn't want to be part of the grant process and was pulled off. Mattes and Karshna were added since they are in a floodplain and have repetitive flooding.

Motion by Alderman Moore to recommend to Council the Commitment to Fund the City share of the HMA FY11 Grant Application Property Acquisition of Four (4) Repetitive Flooding Properties based upon Awarding of the Grant to the City of New Berlin. Seconded by Alderman Hopkins and upon voting the motion passed unanimously.

**SW 18-10      Review, Discussion and Possible Action on how Stormwater Components in Roadway Projects should be Funded**

Harenda: This is a requested from the Board of Public Works with respect to stormwater infrastructure or work done in the right-of-way that is considered as an asset to the utility that the utility would fund that part of the project.

Walker: This issue was discussed at the BPW and we looked at the Utility and Water Resource Utility components and Board requested that this be sent to the various committees for them to discuss their viewpoint on how components of their respective utilities should be funded. I was reminded by Alderman Wysocki that the original Stormwater Utility Master Plan included funding for maintenance and replacements of culverts in the primary drain system. In the staff report there is a table that breaks down primary and secondary culverts. Primary culverts are a small item. The secondary culverts are approaching 6 figures a year. It is approximately \$300,000 to rehabilitation a mile road. When you have over \$100,000 in a given year just for culvert replacement, it takes away the City's ability to rehabilitate 1/3 of a mile. From the Board's perspective it is an impact. We would like the WRM Committee's view.

Harenda: We are looking at it at the Utility Committee and it is tabled at this time. The concern that I have is that it is a significant amount of money for our limited funds. The Utility has taken on a lot more things than we have in the past or that was in the original Master Plan and that has put constraints on what we can do without raising the rates. If the discussion goes into the direction of funding these extra projects, it either cuts back on what projects we do in the utility today or we have to raise the rates to cover it.

Kern: I agree. Your points are valid JP, but it seems from this Utility's standpoint there is an endless supply of projects, we would have to raise rates or do less projects.

Moore: Since the money has to come out of the people's pockets anyway, does it matter which pocket it comes out of CIP or Water Resources.

Hewitt: You are allocating the money to the WRM Operating or CIP budget which is a separate funding mechanism through residents who are charged stormwater fees. We do not get funded through the city budget, it is not affecting our budget.

Moore: Does it affect federal taxes?

Walker: For residents it doesn't matter, but from our accounting department it does matter. Culverts are considered an asset of the WRM Utility. According to the previous and current Director of Finance, WRM should be paying for those culverts.

Moore: If we raise the rates to pay for it, it doesn't make a difference to citizens' bottom line.

Kern: If you raise the rates 50% it will cause me more money. Will I be saving it on my property tax since your budget is going down?

Schwalbach: Taxes are assessed on certain properties, not all properties. The stormwater fees are based on impervious surface across the board for all property owners. There is a difference how people pay. Tax bills are assessed one way, the WRM fees is based on impervious area. Institutional properties and businesses pay differently because of larger impervious surfaces, residential pays a set amount.

Chiovatero: Culverts are being replaced when a road is being replaced so that we don't have to rip up a new road when they are replaced. If a road is not going to be rebuilt and they have to replace a culvert, who pays for that?

Schwalbach: If a culvert is collapsing or in very bad need of repair, the WRM Utility pays for it.

Chiovatero: There has been a great effort to coordinate water mains and utility and also stormwater with road construction. Now we are saying if we replace the road, we are going to replace all of the culverts in it if they are due to be replaced in 6 years.

Walker: The culverts being replaced during a road rehab project are culverts that have been inventoried by the Street crews as indicating they need to be replaced. If we don't do it during the road project, they will eventually get to it and then the Utility would pay for it. It makes sense to take care of it when we are rehabbing the road.

Chiovatero: There is a savings for the WRM Utility because they don't have to repave the road. I think they should be responsible to pay for it, but our checkbook may not have enough money to pave for it.

Hewitt: Currently our culvert account is \$45,000 for the cost of the pipe. Our crews actually install the pipe. If it is on a road project we are paying for someone else to install it.

Chiovatero: We are also dwindling down the list with someone else replacing the culvert.

Moore: Would there be a need for secondary culverts if everyone disconnected their downspouts from the storm sewers?

Hewitt: They will deteriorate no matter how much water goes through them. They are under roadways and they are required to convey the water. You still have water from the impervious surface of the roadways that contribute to the ditches that need to be passed underneath the roadways.

Trevorrow: A lot of the culverts are replaced because of the age. They are 30-40 years old and are deteriorated. Most of the projects come off the list, but some projects are from culverts that have collapsed and not scheduled.

Hopkins: We would have to raise the rate to fund this. We can't keep up with what we have now.

Kern: If we raise the rate, the perception would be what am I getting? It would be a hard sell.

Moore: It is true that this is paid for by people that have stormwater services and is it throughout the city?

Schwalbach: Every property owner pays a stormwater fee unless they have undeveloped land.

Hopkins: It does matter. We get the complaints now, what am I getting for my stormwater money. Perception is reality.

Harenda: I have a significant amount of constituents that pay \$15 a quarter that have not seen any work done on their property and they are paying for projects all around the city.

Moore: That is the same thing with the road repair in the far part of the city.

Harenda: In the city survey it came up that if a road is being repaired in front of a property, those residents should have to pay for it versus someone paying for it that never utilize it. To fund this we would have to increase rates.

Chiovatero: The only culverts being replaced have been identified already.

Hewitt: JP notifies the Street Department what roads need to be rehabbed then crews identify culverts that need to be replaced on that road. They are not necessarily on a schedule to be replaced, it is because the road is being replaced that they are being assessed.

Schwalbach: The culvert account is used to replace culverts that are on a list to be replaced. When roads are being reworked we work together with Streets to coordinate and make sure the culverts underneath are in good shape. If they need to be replaced it is currently handled under road funding. Perception is everything. If you increase the taxes, they can write it off.

Blum: If you put it on the general property tax, that would be deductible, but if you pass it through as a stormwater fee, properties that otherwise would be exempt from the property tax would be paying the stormwater fee and you are spreading it out over a larger amount of users. It is based on the number of recs as opposed to assessed value. Residential property owners pay the same amount of stormwater fee where as the person with the assessed value would pay more taxes.

Harenda: I am not in favor of this request.

Motion by Commissioner Kern that the Water Resources Management Utility does not agree with the Board of Public Work's recommendation to take on funding of secondary culverts. Seconded by Alderman Hopkins and upon voting the motion passed unanimously.

**SW 19-10      Review, Discussion and Possible Action on how to fund the Installation of Storm Sewer in the Vicinity of Fountain Court**

Walker: Staff solicited quotes from 3 qualified contractors that do stormwater work in the City of New Berlin with the low quote from Underground Pipeline Inc. for \$32,524.50. This was brought to the Committee at the direction of Alderman Wysocki to determine how this project would be funded in 2011.

Moore: Where does the water from the downspouts and sump pumps go?

Walker: Downspouts go into the existing storm sewer system and I assume sump pumps too. The existing storm sewer goes through the 1 pipe that goes east from Fountain Square Court and discharges to the creek. We are enhancing the ability to capture the water running north on Fountain Square Court by adding additional inlets and convey it via storm sewer because it is overtaking the one inlet.

Harenda: How old is the development? You are telling me the sump pumps are hooked to the storm sewer?

Walker: About 15-20 years old. I think they are hooked to the storm sewer because I did not observe pipes on the surface.

Trevorrow: I believe they are hooked to the storm sewer. They had done some repaving and there were some catch basins in their driveways that we saw pipes coming in. The water flows to the creek where the pond flows out to. It doesn't flow into the pond, it flows into the downstream side where the pond is at into the creek by 132nd and Dakota.

Harenda: In some new developments we have downspouts connected but not sump pumps. I know we had problems in the Buena Park area.

Hewitt: Sometimes they are both connected. The issue is sumps connected to sanitary systems and that is illegal.

Harenda: What priority is this?

Schwalbach: I don't know if they have property damage but they have water into the basement of one of the condos. It is classified as an A1 priority.

Moore: This committee has sponsored rain garden programs and I have put in one and disconnected my downspouts from the storm sewer system. I think we need to encourage people to put in rain gardens and making sure situations like this don't occur and water flow from impervious surface needs to be taken care of on the land and not go into the storm sewer which pushes the water downstream. Can downspouts be disconnected and rain gardens installed?

Hewitt: Because we don't have a requirement, this would be something they would have to undertake. We are all for it. At this point they are requesting we take care of the drainage issue.

Moore: My request is that we ask them to handle their stormwater off their property. They are making the impervious flows from the building they put up.

Hewitt: It is also roadway drainage, it is not strictly from those properties. To say we aren't going to do any stormwater projects until everyone disconnects would be a way to approach things. We currently don't have any requirements for that and we are looking at putting it into those ordinances.

Moore: We need to put stronger priority on doing it. If this was approved in the first place, anything beyond that is their responsibility and anything beyond that is their responsibility and they need to handle it on their property.

Kern: Is this in hindsight a problem from the beginning? What is your confidence level that this will handle it.

Hewitt: It is possible the system as designed was not operating correctly. The 1 inlet won't handle the flow. 20 years ago they didn't have the same design standards.

Walker: It will improve the situation. Will it handle a 100 year storm? Let's not kid ourselves. A 50 year storm? It will get rid of the water quicker than what is out there. Our system is designed to handle a 25 year storm, if we exceed that, all bets are off.

Chiovero: I understand the situation. Is this our responsibility? This is a condo association and they have asked us to work on ponds and I have said no. Do we plow the roads?

Walker: We do plow the road and it is in our ROW. The pond is theirs.

Hewitt: We do have documents that say the outlet structure of the pond is their responsibility.

Moore: Is this to take care of the water in the street or water that comes off the land?

Walker: The majority of the water comes off the land. All of the properties are pitched to flow toward the right-of-way. There are downspouts connected and I am assuming sump pumps. It is water from the right-of-way and also from the private properties.

Moore: Is there any possibility that some of the water is not being handled by the storm is backing up into the street so that additional holes in the system will not help because of downstream size of culverts?

Walker: I don't think that is the issue. If I relate to our current developer's handbook, at a low spot you have double inlets. There is only 1 at this inlet at the low spot.

Moore: On the bottom side of the diagram it says discharge to creek and drainage easement. Why can't you direct the flow into the drainage easement or discharge to creek area.

Walker: The storm sewer system is the conveyance system. It cannot get to the creek overland from Fountain Court. The drainage easement is a channel going into the pond.

Moore: Why can't it go into the pond?

Walker: It cannot flow over land and the existing storm sewer pipe is below the water level of the pond.

Moore: The cul-de-sac is a low area. You can't direct the water from the cul-de-sac southeasterly toward the discharge to creek area. You couldn't dig a ditch?

Walker: It will not work by gravity.

Hewitt: You definitely couldn't dig a ditch. It would back up the water from the pond into the subdivision.

Moore: Does any water go to the pond?

Hewitt: Not from this pipe or in this location.

Walker: The majority of the water goes to the channel that goes to the pond.

Hopkins: What account would this come from?

Schwalbach: There is \$39,000 left from the drainage list account or we can put it into 2011 as a CIP project or to come out of the drainage list amount in 2011. The Street crew could do this as part of the drainage list, but if they didn't have to do it, it would save time for projects that they have and not delay projects on the current drainage list. At this priority level there is one other project, but that one is waiting for a permit from the DNR but could not be done within the timeframe that this one could be done.

Moore: All of the buildings, storm sewers and streets were paid for by the developer. If the city had required more storm sewers, they would have had to pay for that too right?

Schwalbach: At that time yes.

Moore: If they had their own consultant look at this and say there is not enough drainage there, they might have put storm sewers in at that time.

Hewitt: The developer is paying for the cost of the development and those assets are then turned over to the city. On some developments the assets are retained by the association. Any development can put in more storm sewers but this is a 20 year ago issue and we can't go back for the costs because we now own the roads in that system.

Harenda: If you use that argument, you could go back to anyone.

Schwalbach: It was not built to today's standards. We are bringing it up to the standards.

Harenda: You make a good point about the connections, but you live and learn from experience.

Moore: All downstream culvert sizes can handle this additional amount but all of the downspouts and sump pumps that are connected correct?

Walker: The downstream culverts are a primary drainage way and they can handle the flow. I am not going to answer anything on downspouts or sump pumps because I don't know how many there are.

Motion by Alderman Hopkins to fund the Fountain Court storm sewer project coming from 70710710.59060 in the amount Not to Exceed \$37,400.00 Seconded by Commissioner Kern and upon voting the motion passed 4 to 1 with Alderman Moore voting no.

**SW 20-10      Approval of Contract to Install Storm Sewer in the Vicinity of Fountain Court in Fountain Square**

Motion by Alderman Hopkins to recommend to the Common Council the awarding of a Construction Contract to the lowest responsive, responsible bidder, Underground Pipeline Construction, Inc., for installing 310 LF of storm Sewer in the vicinity of Fountain Court in an amount of \$32,524.50 with contingencies, the not to exceed Total Project Costs are \$37,400.00. Source of funds: 70710710.59060. Seconded by Commissioner Kern and upon voting the motion passed 4 to 1 with Alderman Moore voting no.

**SW 21-10      Approval of 2011 Water Resource Management Operating Budget**

Hewitt: The budget will be discussed at the next meeting. Please review and call if you have questions

**SW 22-10      Approval of 2011 Water Resource Management Capital Budget**

Hewitt: This is a work in progress based on final contracts being closed out and looking at the remaining funds. Please review the information that I handed out today.

Harenda: Please review. We need to approve by the end of the year.

Motion to adjourn at 10:08 a.m. by Commissioner Kern. Seconded by Mayor Chiovatero 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*