

**Minutes**  
**Water Resource Management Utility Meeting**  
**October 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 Chiovatero

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

Meeting called to order at 4:51 p.m. by Alderman Harenda. Roll call and declared a quorum with all members present.

**OLD BUSINESS**

**SW 01-10 Approval of Minutes – September 21, 2010 meeting**

Motion by Alderman Hopkins to approve the minutes from the September 21, 2010 meeting. Seconded by Commissioner Kern and upon voting the motion passed unanimously.

**SW 24-10 Resident Request for Construction Funding of North Lane Easement Storm Sewer Extension Project U-366**

Schwalbach: This has been an issue for quite a few years. The water comes to a point on Crawford Drive and heads between 2 properties toward the Wasileski property which is 12720 W North Lane. When the 2nd subdivision was developed, storm sewer was put in on the property and then an inlet was placed there to catch the water from Crawford Drive. There have been several times there was so much water coming through the easement toward the home that it went over the inlet and flooded the backyard coming close to the home. A berm was built in the past behind the inlet to keep the water more directed in. There still is a danger because of the storm sewer inlet clogging and they are constantly trying to keep it open so that water doesn't overflow and come toward their property. Staff has put this into the drainage list, worked with the Wasileski's and have completed a design for putting in a pipe in that easement and connecting it into the structure underneath the inlet so the water runs straight into the storm sewer system. If there were any backups it would be on Crawford Drive in the right-of-way area, not in the middle of the properties. Our construction cost estimate is \$34,000.

Heidi Wasileski 12720 W North Lane explained that the issue has been going on since they built the home 15 years ago. The basement has flooded and her husband has to clean out the grate which gets clogged with leaves and debris that don't belong to them. It is dangerous for him since the berm is up high to protect the home and he has slipped. They have a \$1500 sump pump to protect their home with a battery backup and this past summer with the heavy rains it went off every 20-30 seconds. She asked the Committee to find the money and fix the issue.

Harenda: Is this our easement? Where does it fall on the priority list?

Schwalbach: Yes it is our easement. It is prioritized as an A1 and is high on the list because of the age of the issue. It is also listed in the CIP listing since the project is a little bigger project.

Harenda: Do you see putting in the pipe causing more issues downstream and flooding?

Schwalbach: The storm sewer is able to handle it. If there is flooding we believe it would be pulled back on Crawford drive where the homes are higher and the water would just back up in the ditches.

Kern: What type of storm would this handle? If we got a 5-7" rainfall would there still be problems?

Schwalbach: We are still designing to a 25 year standard. There could be flooding but it wouldn't be in the backyard area, it would be out on Crawford Drive.

Kern: Are there other homes in the area affected?

Schwalbach: None have contacted us and I don't expect the homes adjacent to the easement to have flooding since they are up higher and the water flows in. It just wants to jump the inlet berm and keep going toward the home.

Harenda: Does the homeowner or City have any legal resource regarding where the structure was placed? When it was developed originally?

Schwalbach: It looks like when the 1st subdivision was developed the water ran through the easement and later the 2nd subdivision was developed they had to address the water so that is what they did. It was not unusual to run an inlet over to that point to be able capture the water and bring it in.

Chiovero: When I was an alderman I remembered speaking to them, but I haven't heard anything about this and if anything we had done helped. Wildcat Creek runs behind Elizabeth Ann Seton church. The subdivision west of the church was built and then North Lane was put through because it used to end at Crawford. I thought some of the issues were because of the creek. I talked to Alderman Moore and he said he has not spoken to her but I think she was waiting because she was on the drainage. The Greenridge subdivision is higher than this one.

Schwalbach: The water comes from Crawford and several roads that come together and drain to that point and flows through the easement on concrete invert toward the inlet and the home is behind it.

Chiovero: It is getting outside the inlet? We are going to take the inlet away and keep it flowing toward the street and I think the outlet goes into the creek.

Harenda: There is no legal recourse against the developer?

Schwalbach: I believe it lived up to the standards of the time. This would be bringing it up to today's standards.

Hopkins: If approved do you have a fund to take it from?

Schwalbach: We can't specifically say. One of the 2 areas could be CIP funding for 2011 which has not been approved yet or it could be pulled out of the \$100,000 designated for drainage list projects.

Moore: We haven't seen the design, is there any significance in the design?

Schwalbach: I don't think so, but you can see it. We were going to sub it out because the elevations in the easement may be difficult for our equipment to get it. Our crews could do it but they may have to rent some equipment.

Moore: Would that change the cost?

Schwalbach: The estimate is for a construction contract and hiring a contractor. If our crews did it, we would have to reevaluate the cost to rent the equipment and use their time.

Moore: Would today's standards have alleviated this and not allow it to happen?

Hewitt: Not necessarily. When the development came through on the south side they probably assumed that instead of running 3 different inlets on that property they would install a storm sewer pipe. The ditch had the capacity to hold it, but the inlet isn't carrying and can't take in as much water and it is by passing it.

Moore: My concern is once we solve a problem upstream we just push the water downstream. Can Weather Creek handle it not only in New Berlin but on the other side of 124th?

Schwalbach: The sizing of the downstream storm sewer system can handle it. We are not changing what is coming out at the downstream end.

Moore: Water held upstream can alleviate flashing downstream so when you put it directly into the pipe you are increasing the flashing downstream.

Schwalbach: If you add more to a pipe that has capacity it is increasing the volume of water coming out the end.

Moore: My concern is that we need to create situations where people take the water coming off their roof and driveways onto their property and letting it soak in rather than putting it into storm drains. Do you know if people on Crawford are putting it out on their yards or into the storm sewers?

Hewitt: It is going to be different for each property. We don't have records.

Moore: How many houses are draining on Crawford into this drainage ditch? Isn't it smarter to solve the upstream problem than just band aiding it?

Hewitt: We don't have a mandate to disconnect all downspout extensions. There would need to be a mandate to disconnect downspouts on a citywide effort.

Moore: We have talked about that almost every meeting.

Hewitt: We never talked about going backwards, it was moving forward.

Chiovatero: On the drawing it says install pipe here. Going under the road is it a culvert?

Hewitt: Yes.

Chiovatero: We have Brentwood, Wilbur and Crawford Drive coming into this area. Before North Lane was developed it was supposed to flow between the houses and naturally flows into the creek. Are we going to put another inlet on Crawford or connected to the cross culvert?

Schwalbach: The inlet is being pulled back to the road instead of being where it is and the opening becomes the open end of the pipe by the road instead of the inlet.

Harenda: There are no storm sewers on Crawford?

Schwalbach: No.

Harenda: If you move the inlet toward Crawford you don't see a problem to the 2 properties adjacent to that?

Schwalbach: In a way we are moving it from one spot to another, but if needed the Crews can clean out that opening because they can get at it and the homes are at higher elevations.

Hopkins: Is 12700 the Elizabeth Ann Seton property?

Chiovatero: Yes. They have a lot of burms on the property and water drains to the creek.

Harenda: This was on the drainage list and you estimate \$34,000. You aren't going to bump anybody?

Schwalbach: From a ranking standard it is an A1 priority and the date is one of the older dates.

Harenda: You are anticipating doing this next year?

Chiovatero: Is this on the CIP list now?

Schwalbach: We are hoping to complete the project next year. It is on the master list of CIP projects and they are ranked but I don't have a number. When I looked at the master list, the CIP budget request that you have before you, this project is one of the projects that would come after the current projects requested for 2011. Mrs. Wasileski is requesting that we do this as soon as possible and we may be able to get it done if we add it to CIP or use funds from the drainage list work.

Harenda: You will resubmit the CIP to us with the adjustments?

Kern: Will it come from CIP or drainage list funds?

Hewitt: It is a higher cost than our typical drainage list projects. It is on the border line between being a CIP Project that are normally contracted out and a drainage list project that our crews would handle.

Moore: Is it the City's responsibility or is the property owner's responsibility. You are telling us it is ours.

Schwalbach: It is our drainage easement.

Moore: It is occurring because we have let this property be too low or we have not planned well enough for stormwater from other impervious surfaces. Is that correct?

Schwalbach: Among other reasons. A lot of what the utility does can be argued whether it is the City's responsibility or not. A lot of issues are greater issues than individuals can handle and the City generally steps in and helps. There is a gray area and I don't think I can make the judgment call of whose responsibility. I am presenting the situation for the resident. It is beyond what they can do to help themselves.

Moore: If we have a rise and knowing water flows downhill, is this a place the water would have accumulated in a low area swale as it heads towards the creek and there should not have been a house there?

Schwalbach: I can't answer that.

Harenda: It is a city drainage easement so prior to the development of the subdivision to the south we directed or approved the design for the existing subdivision on Crawford to the north and allowed the development of the properties to the south. You can look at this and ask why they allowed a house to be built there. We have had the argument of private versus city owned drainage easement and this is a city owned one.

Moore: I want to make sure it is our responsibility, it is A1 and near the top of the list we evidentially have to do something about it.

Chiovatero: This is a low spot in the subdivision. I don't think there are problems upstream.

Harenda: I want to see the specifics in the budget report so we have the big picture and we don't hop over another project. Staff will resubmit CIP numbers.

Hopkins: I think this particular one has to be fixed.

Motion by Alderman Moore to defer this item. Seconded by Alderman Hopkins and upon voting the motion carried unanimously.

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

Hewitt: I have sent an email but have not heard anything back.

Chiovatero: Mayor Johnson said they are seeing more value in this than they did in the past.

Harenda: We were waiting to see if they were going to drop it and then drop it from the agenda.

Hewitt: I put this item on the agenda at the end of year when we were doing the Stormwater Master Plan Update.

Harenda: I asked you to get a letter from them saying that they are not considering this any longer.

Hewitt: Originally it was indicated they didn't have any plans and they hadn't looked at it but once they started asking questions of their staff, the Mayor and Aldermen started to take a look at it.

Harenda: Nicole please send a follow-up letter and state we would like to hear back by the end of November. If they don't respond we will drop it from our Stormwater Master Plan.

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

Ms. Hewitt indicated she did not have time to send a formal letter last month. Alderman Harenda asked her to send a follow up letter.

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

No new information

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

Schwalbach: There is a draft policy in your packet for your review.

Harenda: In a number of sections you reference "city" but this could be for anyone correct, we could have a thousand to put in.

Schwalbach: Correct.

3.3.3- Sump Pump, downspout or any other clean water drain pipe will not be connected in. Delete "but will need to be directed toward an inlet into the piping system."

3.4.4- Any disturbance of, or damage to the piping installation by any means will need to be repaired by the homeowner. The homeowner must be aware at installation that the piping cannot be driven over, but will need to be removed and replaced by them if access is required for construction on their property.

Clarify if we fix it at their expense or do they have the contractor do.

Moore: In item 3.1.1 wouldn't it be better to disconnect the sump pump instead of putting in low flow piping?

Schwalbach: It would be better to disconnect it totally. In case someone downstream where there is a sump pump that needs to run constantly and overflows the rain garden, it may still be causing a problem with the downstream neighbor. We can delete that there also.

Moore: I want to make sure the sump pump is going out to a rain garden or the grass. If they are doing that correctly and we still need to put in low flow piping, that is great, but what do we do first.

Harenda: Staff did that on Marquette Drive where they pulled back sump pumps as a pilot study and spread the water over the yard. The ditches are constantly wet and the water is stagnant, then this goes in. I assume that we are doing those other things first.

Schwalbach: We are trying to give this option to homeowners and are trying to get sump pumps pulled back and create the ability of the city to go in and say that your neighbor is complaining that your sump pump is always running this is what you need to do. Right now we don't have that ability.

Moore: Does it need to be more clearly stated in here about that coming first.

Hewitt: The person that has the wet ditch may be caused by a sump pump that is not their own, but because of their ditchline it could be coming down in front of their property. Until we have a code that can be retroactive to make people disconnect their sump pumps, we can't have it in there.

Harenda: What he is talking about is sump pumps directly connected to the storm sewers. These areas are actually ditchlines and the pipe is buried and perforated and we request that people run their sump pumps from the front of their house and bury it and put it in the ditch. The new policy dictates it has to be 10 feet off of that.

Schwalbach: That is required after a certain date.

Harenda: Some of these are buried pipes that lead right into the ditch. We worked with some homeowners on Marquette Drive that pulled it back before we instituted this idea.

Kern: Do you have a minimum grade level to prevent freezing in the winter?

Schwalbach: We don't in here. We have been looking at cover, but we probably need to determine a minimum grade for the water to move through although they are perforated pipes set in gravel so water is also able to flow that way. If it freezes it is not as likely to be a problem in a perforated pipe versus a solid pipe and over the past few years we have not noticed any freezing or cracking.

Harenda: These pipes can be cleaned out by our crews?

Schwalbach: As long as we go with a 6 inch minimum. We can't get equipment in a 4" pipe.

Moore: When I first came onto the Water Resources there was a concern about freezing so we dropped the whole thing in relation to disconnecting of sump pumps and allowing the water to go onto yards. Studies show this is not a problem mostly because the water doesn't come into the sump pump when the ground is really frozen. If there is a rain in that situation it flows off away from the house.

Schwalbach: We will make the changes and bring it back next month for final approval.

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

No action at this time.

Hewitt: The SLAMM analysis for our WPDES permit will need to be discussed. This has to be completed by March 2011. The state deadline is 2013. Our individual permit requires initial findings and a schedule of implementation that we are going to meet the 2013 by March 2011. I am getting quotes on this.

Harenda: We have to do another one to show we have made improvements.

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

No action at this time. Staff will update us on numbers.

#### **SW 23-10 Elmwood Drive Drainage Issue Options**

Schwalbach: It is not clear to staff what direction to go forward with this. The owner of the property at 14200 W. Elmwood Drive complained about water running through their yard from a city culvert and said there was a lot of water draining through their land. They have 2 parcels, including a parcel to the east of their home. There is no ditch in front of their property. The water comes through from a cross culvert and drains through their yard and heads north to a park property. We looked re-creating a ditchline in front of their home. The property owners said there had been a ditch and that was how the water used to run, but they said when some water main work done in the 90's. I looked and saw some work down in the 80's. They said that was when the culvert was put in and water running onto their land. We looked at re-creating the ditchline which meant doing ditching, putting in driveway culverts, looked at elevations which are pretty flat and looked at what kind of a ditchline we would leave for people on that road. Their ditchline would be about 3 ½ feet deep with 2:1 slopes which is very steep. The Developer's Handbook is a minimum 4:1 slope.

Option 1 would be to install storm sewers and take it further down and run it into the park, but the cost would be approximately \$41,000.

Option 2 would be to obtain an easement from the property owner and regrade a swale to get the water to stay in the city easement. Cost of grading would be approximately \$7,000. Normally the WRM Utility if we do need to have an easement on someone's property for stormwater work, we do the work and the property owner gives us the easement because of the improvement. In this case the property owner is not in favor of giving the easement and would like something in return beside the work.

Option 3 is make no change.

Hopkins: If it eliminates his problem why is he looking at no swales?

Schwalbach: He did not give me a good explanation.

Chiovatero: I think that is what he is getting out of it.

Moore: They may want to develop the land and if the city does the work to take care of the drainage rather than the developer, this would allow them to do it.

Schwalbach: We looked at if we would put an easement on the parcel we would keep it narrow enough that with setback requirements they could still build a home on the lot if they sold it. It did not come up in our conversation.

Kern: What priority is it on the drainage list?

Schwalbach: Currently it is an A1 because of yard flooding. Our new ranking system which we will be using at the end of this season will separate out some of these because this issue is not a structural damage issue. The area where the water is running through the land is quite far away from the home. They are concerned about a few trees. There is no standing water and water does move away pretty quickly. The date it was put into the database was 2009 and would not normally come up for a few years.

Kern: This clearly doesn't look as serious an issue as the prior one.

Moore: I agree and am concerned that if work is done in that easement location that trees would have to be removed and they are a source of soaking up the water. We may be causing another problem by working on it.

Schwalbach: It would cause a little bit of access problem and some trees would be removed and there is a fence line that would be a challenge.

Moore: Seems to me it is more of a problem for the homeowner.

Harenda: This has only gone on recently?

Schwalbach: We were recently notified of it. The property owner has lived here for a long time. They said the change made in the 90's, which really was the 80's, so it has been in existence this way for some time. Last contact was 1-2 months ago. He is asking us to do something to move water off his property.

Harenda: We had a discussion a short while ago about making improvements on agricultural land ahead of other properties that had similar issues that were developed properties. My suggestion is the #2 option which would be beneficial to them and improve their property. The other two are costly. Unless there is proof that the utility created problems.

Schwalbach: We need direction. If works needs to be done it would be done wherever it ends up in the system.

Kern: Is there some reason it should be elevated above the normal list?

Schwalbach: I think it is accurately prioritized and stay in the system and handle the same way. The issue is what is the best resolution for this.

Hopkins: I think we should look at option 2 or 3. We might want to look at option 2. If it is only a few trees I don't get too excited.

Harenda: My thought is option 2 or 3. Minimum disturbance of the tree line in the area would be beneficial but with the owner working with us on it because they get the benefit of the improvement. Look at how many trees would have to be removed.

Motion to adjourn at 5:48 by Commissioner Kern. Seconded by Alderman Hopkins 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*