

**Minutes
Water Resource Management Utility Meeting
November 9, 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

Excused: 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 4:49 p.m. by Alderman Harenda. Roll call and declared a quorum with all members present except for Mayor Chiovaturo.

OLD BUSINESS

SW 01-10 Approval of Minutes – October 12, 2010 meeting

Motion by Alderman Hopkins to approve the minutes from the October 12, 2010 meeting. Seconded by Commissioner Kern and upon voting the motion passed unanimously.

SW 20-09 Discussion on Tess Corners Pond Feasibility

Hewitt: The City of Muskego Engineer said they are still interested in the project but they have no funding for it. It is still on our Stormwater Management Master Plan.

Harenda: I suggest we leave it in our plan and drop it from the agenda. We can bring it back in the future.

Kern: Does the City of New Berlin think it is an important issue?

Hewitt: The analysis we did for the Comp Plan did not show a big benefit to New Berlin. It would be beneficial if there was development in the area to do a coordinated development and use the facility for that development.

Harenda: If Section 35 develops the goal is to have some coordinated development and Tess Corners could help that versus making retention ponds throughout the area.

Motion by Alderman Moore to drop this item from the agenda. Seconded by Alderman Hopkins and upon voting the motion passed unanimously.

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

Hewitt: I sent them an email to the Railroad which you have a copy of. He said they completed the work, but I don't have any indication of what was completed.

Hopkins: I have seen very little over there. I would ask that you keep trying to get some information because the residents to the west of Elm Grove Road on the south side are still getting tons of water through their yards and up against their house and it is coming off of the railroad. People do ask what is going on.

Hewitt: I have asked them for additional clarification.

Hopkins: If we have to go to the state through a representative or senator as we have done in the past we will.

Harenda: We will leave this on the agenda. If they are done with the project they should be able to give us the information.

Hewitt: I specifically asked them what work was done east of Elm Grove Road since it appears they have not done anything there and asked them why they didn't do work in certain areas.

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

Hewitt: This is for the property acquisition on Meadow Lane. On Monday we received word that the FEMA grant for Harmon's property did not meet the benefit cost-analysis which has to be 1 or greater. They said the benefits were \$10,000 and the cost was \$300,000 for a rating of .03. There were 3 properties on the request: the Fletchers, Majewskis and Harmons for property acquisition. The requested action was from the WRM Committee to Council with a request to approve City Funding for property acquisition and demolition.

Hopkins: Was that grant request turned down for all properties?

Hewitt: The only response I have was for the Harmon property. It doesn't seem feasible for all of them. There is one they are still holding out hope for. It is a floodplain property on 124th.

Moore: I visited with Mr. Harmon several months ago and it seems that either we have to purchase the property or decrease upstream flow. It seems to be a significant problem upstream. The area in Prospect Parkway has had work done and downstream the stream disappears. The stream is on his property. It goes down the street underneath and when it can't go underneath the road it goes on top and he gets flooded out. People upstream should have to disconnect their downspouts. Many have water going on their driveways from their downspouts and it goes into the street. The culvert in front of his house can only take so much water. Decreasing upstream flow is one of the answers.

Hopkins: I would agree on a lot of that. One of the things we are hoping to do next year is to put something into Prospect Parkway that will decrease the flow.

Moore: A lot of areas downstream from Prospect Parkway affect this. There are streets sloped uphill to the south that bring a lot of water in too.

Dennis Harmon 12415 Meadow Lane said the city created this problem and it has affected his quality of life. He stated that phase 2 of the Underwood Creek project recently completed where trees and debris were removed to prevent blockage of the streams path did alleviate flooding in front of those houses, but as a result he gets more water with more current. After the 1st phase in 2007, the flooding has increased. He replaced his furnace and put it 9" off the floor, used sandbags and moved their cars during storms. He said that technically they are in a floodplain but it not being classified as that. Mr. Harmon questioned the grant for another property on Grange Avenue.

Harenda: We have done acquisition of properties in other parts of the city through state, federal and DNR grants. We applied for a FEMA grant for these parcels but it did not meet their criteria and qualifications. That would require us to fund this through the Utility. That is what you are asking.

Moore: I believe you said the house was built in 1939, well before many of the houses to the west.

Hewitt: The other ones in that area were developed within 10-15 years of that.

Moore: The question is whether the government authorities acted properly in relationship to allowing these homes to be built. If we can assume impervious surface was constructed creating this situation, I think the city has an obligation to do something.

Harenda: Things done 30 or 40 years ago aren't done today. We get requests every day to the city and utility, but we need to discuss the item at hand. We have a request for 3 properties for a total of approximately \$564,900 for acquisition. Are there any other grants available?

Hewitt: The only one I am aware of is the DNR 2012 municipal flood control grant which we applied for from the Grange property.

Hopkins: What is the cost of the 3 properties?

Hewitt: \$564,900 but the total cost including demolition is approximately \$651,900.

Kern: Given the circumstances, why isn't the property currently in a floodplain?

Hewitt: The flood insurance study for that area indicates the pipe under the road contains a 100 year event.

Kern: The pipe doesn't cover a 100 year storm.

Hewitt: SEWRPC is conducting a study and connecting Underwood Creek all the way up and will be analyzing it through New Berlin in the future. Currently there is a disconnect in the study between Greenfield Avenue to 124th.

Kern: What if it were in a floodplain today? What would that do to the grant process?

Hewitt: If the property was in a floodplain, if their 1st floor is in the floodplain it changes the process. If you are located in a floodplain it is easier. You don't have to justify the actual cost and losses; it is actually cost in elevation. It would increase the chance of the grant.

Kern: Is there an appeal process for the designation of the floodplain?

Hewitt: That is what SEWRPC is looking at in the flood insurance study.

Hopkins: If the property was put in a floodplain, it would probably not change a lot because it is the same problem I have with my house. The basement floods but the 1st floor does not flood.

Hewitt: Correct. The floodplain property that we have for the FEMA grant is questionable too because their 1st floor is above floodplain, although their entire property is in a floodplain.

Harenda: The requested action is to fund \$651,900 for the 3 parcels. It is not in our current operational or CIP budget. It is above the amount of money that we can even borrow. We are on a \$500,000 level now.

Moore: Until we can impact the 2012 budget, I would ask staff to come back to us in December with an ordinance change that will take care of upstream residents.

Harenda: I will put it on the next agenda.

Hopkins: Can we come back with a plan to help the Harmons since it floods the worse?

Mr. Harmon said that they probably have the worse flooding in the city.

Hewitt: There are significant issues on other properties as well.

Moore: Why can't we put it into this year's CIP budget?

Harenda: All of these?

Moore: If you do it to one you have to do it to all.

Harenda: Do you have a priority ranking? From a property ranking who would be #1?

Hewitt: Of the project that I currently have on the CIP list. We can provide you with a list of the properties with structural issues, flooding issues that we have compiled that could benefit from a buyout from property damage they have incurred.

Mr. Harmon wanted to know why the other properties weren't part of the program for grants and he questioned why a list wasn't available. He questioned why the other people weren't at the meeting.

Hewitt: We are not in the business of just purchasing properties. We did this at your request for acquisition and demolition of your property. Other times we have went forward with grants. It has only been done 3 times.

Kern: I am struggling at coming to the conclusion that all of this is the responsibility of the city. How long have you owned the property?

Mr. Harmon answered 21 years and said they never had problems until 1998. There have been 12 occurrences since, including 4 floods in the last 2 years, 3 of which have been the worst. They had to move cars during rain events, have moved items out of the garage and used sandbags, which have not helped.

Hewitt: When they first had flooding in 1997-98, they were the worst storms to that date and now we have had the worst storms over the last 3 years. Yes we have had development; yes the flows are increased in the stream.

Kern: Ongoing development has caused the problem that wasn't there a few years back. I realize we had heavier storms, but development has caused some of the increased flow.

Schwalbach: The development that has occurred has either been state land from Greenfield Avenue or land in Brookfield.

Kern: Everyone knows there is a problem, but is it just the City's problem and does it have to come out of the pocket of the City of New Berlin.

Hopkins: If we could go back now and change things, we probably would. Regulations and the climate has changed, the subdivision west of Sunny slope might not have even been built under today's regulations. Those were onion fields way back when, basically swamp land. Today they are homes, but that is true throughout the city.

Harenda: Please supply the information for the next meeting. If we go down this course, we need to rank the properties. The Committee will look at it and make a recommendation to Common Council who ultimately decides what we do at this level. Other discussions have been made to deal with upstream flow, but that won't have immediate impact on your property. We would like to look at the data, but if we do that it opens up the door for other properties if we say yes to one. How far does the responsibility of the City go? I understand you have increased flows in your area; there are other properties that have been impacted. In some cases it is wait and see until we get things fixed and it may take a little time. I am trying to find out some way to do this without putting the Utility funding mechanisms in jeopardy. It is built and designed to offer and assist and fix and maintain our stormwater program and systems in the city. The problem is we just don't have the funding to cover everything we would like to do. I feel your pain and am not dismissing you. I want to look at the information.

Mr. Harmon asked what the criteria would be and Alderman Harenda said that the information would be available to him and he can ask staff any questions he would have. He expressed concerned about the Gatewood project and trees being removed in Prospect Parkway.

SW 09-10 Discussion of Policy on Low Flow Piping

Schwalbach: I made the changes the Committee suggested at the last meeting and staff has reviewed it.

Harenda: On item 3.4.4. Maintenance, I want to make sure the homeowner knows that if City crews come in to repair the pipe, that the citizen will be charged.

Schwalbach: This was inserted because of the discussion the Committee had at the last meeting to clarify that if there was damage caused by the homeowner they would be responsible to repair the damage.

Hopkins: It should be clear that when we say work performed by the homeowner or the contractor or the city at their expense that someone doesn't twist that down the road and say "their" is the city.

The committee agreed to change the last sentence to:
"Work is to be performed at the expense of the homeowner."

Motion by Alderman Moore to approve the Low Flow Piping Policy No. 09-10-006. Seconded by Alderman Hopkins and upon voting the motion passed unanimously.

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

Harenda: Achievements for 2009-2010: We have continued education partnership. This will be continued in 2011?

Hewitt: Yes.

Harenda: Initiatives for 2011: Purchase and removal of several repetitively flooded properties. Is this what we just discussed or other properties?

Hewitt: This was referring to these properties and part of the grant process.

Harenda: Focus on Drainage list backlog: Part of the 2011 funds we will be contracting out \$100,000 worth of projects based on the priority rankings. If we fund this at \$100,000 over an annual basis for 4-5 years we will reduce the backlog to approximately 1 year.

Hewitt: Correct.

Harenda: You said the backlog has occurred over time due to several influences the first being the lack of a "dedicated stormwater construction crew". When streets crews have flooding issues, they have to do these items first. Each year we set aside a specific amount of money, \$359,000 and I assume it is being expended every year.

Hewitt: It is not focused on drainage list projects. When there are flooding or other stormwater concerns they work on that, not just drainage list items.

Harenda: Flow Chart: JP the City Engineer is not a part of the organizational chart, just you 2, Greg Kessler, Chuck and the crews?

Hewitt: That was a change that occurred in 2007.

Harenda: Revenues: I have questions on why some operating revenues went down and some up. We have had some additions in building in the Westridge Industrial Park. Is there a reason why we haven't seen increases in some of the revenues?

Hewitt: That would be a question for Ralph. He gives me those numbers.

Harenda: Streets labor: \$359,000 and Equipment Usage: \$65,500. We had discussion when Eric was here and I would like to see the formula that Ralph is using.

Schwalbach: In the past that number was much higher. A few years ago it was discussed and decreased.

Hewitt: Back in 2004 the cost was \$154,000.

Harenda: We are discussing restructuring the City at the Council meeting tonight. You have a breakout of Administration Charges of approximately \$359,000 which covers the WRM Supervisor (Chuck), the Office Coordinator 25%, Street Department Labor and fringe \$239,150 and 50% of the operator position. Chuck's position is being funded 75% by the Utility correct?

Schwalbach: Yes, Chuck's position is funded 75%. The operator position is 1/2 of the Streets Operator which pays for the Street sweeping.

Harenda: I am not sure what the overall compensation package for the supervisor is, but in some reality because we are backlogged with projects and I'm showing a difference of \$37,000 if we don't put it into the surplus fund. We can utilize that for the drainage list or other things or bringing Chuck as more of a full-time employee to get more things done. We are already funding 75% so I assume 75% of his time is spent on stormwater related projects directing his crews. I throw that out for discussion. There are things we may be able to do during the realignment and utilize it for the benefit of the utility. Under Contracted Services you have \$29,000. Does that include the \$15,000 for GIS?

Hewitt: Yes.

Harenda: Cash Flow Projections: We have a net gain of \$36,750 which is usually dumped back into the surplus and as you see from a cash flow standpoint has been going down significant, but as of 2013 it bumps up again. I am guessing in 2013 we have paid off all our debt so that will allow us to do more projects. There are some additional funds and I have some questions for Ralph. Under the expense accounts for engineering and streets labor, all of the dollar amounts are staying the same. I assume everything is frozen, nothing is going up?

Hewitt: Those numbers are supplied by Ralph.

Motion by Alderman Moore to recommend to Council to approve the 2011 Water Resource Management Operating Budget. Seconded by Commissioner Kern and upon voting the motion passed unanimously.

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

Harenda: We had a lengthy discussion on a previous discussion on the Harmons. On the 2 spreadsheets, can you take all of the projects and layer them and put on a city map?

Hewitt: They are on the City map in your SWMMP. I can sort this anyway you would like to see it.

Harenda: I noticed in the CIP budget you changed it. Some projects not in the 2010, the 2014 projects are now listed.

Hewitt: I put in as many as we could so we have a complete list of projects with our estimates. The total cost in 2011 exceeds the actual budget, but I wanted to present all of the possible projects that we could fund.

Moore: Is the request for \$615,500 or \$500,000. What are you going to not do?

Harenda: We had put forward a 2010 through 2014 allocating because we were going to attempt to budget \$500,000 each year moving forward. I am not changing that request, but I wanted to list all of the projects so that you had that in front of you.

Harenda: If you bid the work out and there is savings, we could possibly do more. How are you prioritizing them?

Hewitt: The first 2 projects have to be done. The priority is on the other spreadsheet, which I can put this on this spreadsheet.

Harenda: Yes. As we bid these out, I assume you will come back to us with the projects to be done.

Moore: What projects aren't you going to do since you have \$115,500 that you won't do?

Hewitt: There are multiple projects that are small amounts that could come in lower so I don't want to eliminate projects from the list.

Moore: Is there a possibility of getting them all done? Why didn't you ask for \$615,500?

Hewitt: We will see but I wanted you to have a list of projects that could potentially be done in 2011.

Harenda: Because we decided to go with the \$500,000 because that is what the utility can sustain versus debt service and not make inroads into the operational budget.

Kern: Is the Harmon situation in here?

Hewitt: His own personal property is not part of the CIP but the flooding in Underwood Creek is addressed under 2 separate numbers.

Kern: If somehow we proceed on buyouts, is there something else that would go down?

Hewitt: No, because it does not eliminate any of the issues on this list.

Harenda: We can move forward or wait until we get the other information of the priority ranking.

Kern: Can you also highlight the ones mandated?

Hewitt: Yes. Just the first 2.

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

Schwalbach: That project is listed on the CIP spreadsheet for \$34,000. This is where we suggest the money comes from. We were waiting on numbers from our Engineer's estimate.

Moore: Can this be alleviated by people upstream putting their downspouts out on the grass rather than into what would eventually get to this point.

Schwalbach: It would benefit from that but it would be a very long time frame for resolution of their problem in order to educate people.

Moore: It would be part of the ordinance we are talking about. Could we save money by doing that?

Schwalbach: Probably not. The pipes should still be put in because of the configuration of how the flow runs. Technically it would still need to be done.

Motion by Commissioner Kern to fund the construction of North Lane Easement Storm Sewer Extension Project U-366 for an amount not to exceed \$34,000. Seconded by Alderman Hopkins and upon voting the motion passed unanimously.

Motion to adjourn at 6:00 p.m. by Alderman Hopkins. Seconded by Commissioner Kern 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*