

**Minutes
Water Resource Management Utility Meeting
(Formerly Stormwater Utility)
New Berlin City Hall
3805 S. Casper Drive
Council Chambers
March 14, 2006**

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

Present: Alderman Harenda, Alderman Hopkins, Alderman Hegeman, Mayor Chiovero and Commissioner Jim Kern

Others Present: Greg Kessler (Director of Community Development), Ray Grzys (Director of Utilities & Streets), J.P. Walker (City Engineer) Eric Nitschke (Division Engineer), Cathy Schwalbach (Project Engineer), Chuck Trevorow (Stormwater Supervisor) & Sue Hanley (Office Coordinator Utilities & Streets)

Meeting called to order at 4:46 pm by Alderman Harenda and declared a quorum with all members present.

SW 01-05 Minutes from February 14th Meeting

Mr. Nitschke said he requested a change made on page 3, the last paragraph under Item SW 08-06. It should be changed to, "After a brief discussion and questions by the Committee members, Alderman Harenda asked the Committee to touch base with Eric Nitschke, JP Walker, Ron Schildt, or Greg Kessler so that the City can work in conjunction with the CDA and BPW to discuss the potential plan and options for the Calhoun Road and Industrial Park Roadway reconstruction plan."

Motion by Alderman Hegeman to approve the amended minutes from the February 14th Water Resource Management Committee meeting. Seconded by Alderman Hopkins and upon voting the motion passed unanimously.

SW 19-05 Approval of Stormwater Utility Updated 5-Year Plan - Remains tabled

SW 02-06 Presentation of GIS Storm Sewer System Mapping (tabled)

Motion by Alderman Hopkins to remove this item from the table. Seconded by Commissioner Kern, and upon voting the motion passed unanimously.

Mr. Nitschke said that he would like to briefly inform the committee about what has happened with the GIS Storm Sewer System mapping since it was approved in 2005 and presented a PowerPoint presentation including the WisDNR Requirements for New Berlin's Storm Sewer System Maps, and additional elements in the storm sewer system mapping. He said that the GIS system will assist in field work by Streets crews, and will be used for initial design work in water resource and roadway projects. In addition, it will be used as a tracking system for drainage projects, code enforcement issues and maintenance of Best Management Practices throughout the City; assist in answering residents questions regarding drainage in and around their property; fulfills New Berlin's WPDES permit requirement for mapping; and will be open for use by staff, elected officials and the public.

SW 07-06 Resident Request for Corrective Action Regarding Drainage Concerns

Mr. Nitschke asked that this item be tabled since the residents could not attend the meeting. Motion by Alderman Hopkins to table item SW 07-06. Seconded by Commissioner Kern and upon voting the motion passed unanimously.

SW 05-06**Ditch Maintenance Enforcement and Effects on Drainage**

Mr. Nitschke said that staff would like to discuss taking corrective action to regulate ditch, culvert, inlet, and storm sewer maintenance on private property and within the public right-of-way. He said that staff has received resident requests to enforce proper maintenance of ditches, culverts, inlets, and storm sewers. Some of the problems that Staff and residents have encountered include but are not limited to: excessive leaves in the ditch due to lack of raking; the piling of leaves and brush in ditches; and leaves blocking driveway culverts and storm sewer inlets. Many of these issues can be traced to lack of lawn care and yard maintenance. Mr. Nitschke discussed sections of the City's municipal code. The codes deal with obstructions and waste in the conveyance systems, but do not address obstructions or waste due to poor yard maintenance practices. Staff is requesting discussion and possible action from the Committee to regulate private cleanup of leaf and debris removal affecting the City's stormwater conveyance system.

Mr. Nitschke said that they were running in the problem where residents that have storm sewer inlets do maintain them, but that 4-5 properties up the line, residents may not rake, and in late fall/early Spring, the resident who keeps his ditch clean gets the leaves from those properties that don't rake, which causes standing water. He said that Street crews have to steam open the culvert and clean them. He said that residents who do keep their culverts clean, are asking staff to cite property owners who don't rake.

Alderman Hopkins said that there are already ordinances on the books, and that leaflets and education may help, otherwise you would almost need a full-time person to enforce the problem.

Commissioner Kern asked what happens when we do receive complaints. Mr. Nitschke said that generally the Street department receives the call. Chuck Trevorow said that they receive a lot of calls, and it is generally after the fact when the culvert is flooded. He said that homeowners do have to maintain a certain amount of responsibility for maintenance.

Mr. Nitschke said that education is the key, such as a leaflet that Alderman Hopkins suggested. He said that it is easy to say that because it is on private property it is their responsibility, but once it is on a right-of-way and streets flood it, we can't ignore the problem.

Alderman Hegeman asked if there was a list of problem areas that flood. Mr. Trevorow said that there is not a list written down, but that he and Don Ullman know the problem areas, and send the crews out to check them. He also said that we have put an article in the quarterly city newsletter the past few years, reminding people to keep their culverts clear.

Alderman Harenda said that when he receives phone calls, the residents say that they pay \$15 per quarter stormwater fees, so why do they have to maintain their ditch. The question remains how to enforce this, and to target the hotspots in fall.

Alderman Hopkins recommended putting a reminder in the leaflet and perhaps putting flyers in the mailbox, and complimented the Street crews in getting the culverts open this past week. Director Grzys said that we do send Stormwater bills to all residents, and that we can place a reminder on the bill or insert a flyer a couple of times a year.

Alderman Harenda asked if staff to put a leaflet together and bring this back to the Committee.

Mr. Nitschke said that he would take their suggestions, and that education is the key. He said that he will include how much time it takes for crews to clear ditches and that with everyone helping we can alleviate the problem.

SW 10-06**Woelfel Drainage Easement Discussion**

Mr. Nitschke said that this item was brought to him by Alderman Ament and referred to a copy of an agreement given to staff back from 1969 for a drainage easement. This drainage easement extends in Observatory Heights just to the west of Calhoun and north of Observatory Heights road north to Coffee Road. It falls into the same line of discussion as to where do the Streets crews go for maintenance. He said that Alderman Ament has been working with the residents in Observatory Heights, and their concern was with the fallen trees and debris in that section of ditchline, which is Poplar Creek. He said that Alderman Ament said that this easement was deeded to the City for \$1.00 and that was the discussion that he wanted to have with the Committee, as far as what are

where are we to go with responsibility to clean it out. He asked the committee if they wanted to table it, or discuss it, and that it will lead into what do we do with these types of easements and areas that don't have easements and areas that we don't have easements, but have similar problems with creeks running through old farm field ditches, with debris in these creeks.

Alderman Harenda asked if these are regulated creeks. Mr. Nitschke replied yes, they are navigable waterways. Alderman Harenda asked if this may be a problem with the DNR if we clear this drainage easement. Mr. Nitschke said that we can cut the trees, as long as we don't disturb the soil, and leave the root system in place. If you have a tree that has fallen across a creek, it is the responsibility of the property owner of whatever side it fell from. If there is an easement running the length of it, then it is up for discussion.

Greg Kessler arrived at 5:20 a.m.

Alderman Hopkins asked if there was an easement giving that to the City? Mr. Nitschke said that is what this attachment in the packet states, and he said that staff has been unable to find a signed copy in our files, other than the last page where it was signed by the City Attorney and Mayor, supplied by Alderman Ament.

Alderman Hopkins asked if there was really a question as to who should be maintaining the ditch. Mr. Nitschke said the discussion that we had previously is for major debris, such as fallen trees that the City takes care of in City easements, but for some of the minor work, it is the property owner's responsibility. So in this case, if your question is if the City owns the easement, is it our responsibility to clean it out, yes our policy has been to clean it out, but then the question would be are we prepared to clean out every easement like this in the City.

Mayor Chiovero asked if Mr. Nitschke has talked to the City Attorney about this. He said he had a question about an easement and to a property owned by the City. There are a lot of easements all over the City. He said that he has an easement on his property by the Electric company, but it was only to service an under cable electric line, and that he still has to maintain that. He said he wondered if that was the case here, and asked if this was for an obstruction along the creek.

Mr. Nitschke replied correct. He said that it is hard to decide if the burden should be put on the property owner or the City, and would be curious as to what the City Attorney says.

Mayor Chiovero said that the easement does mention a specific area of 25 feet.
Mr. Nitschke replied that 25 feet is not enough for the City to access it with equipment.

Mayor Chiovero said he understands that and did not know why this agreement was put together, but it probably had a reason in its day. He said that he did not expect the resident to go down and check this creek out, but there are DNR issues, and our equipment would encroach on their property.

Mr. Nitschke asked the Committee if they wish to table this until Alderman Ament and the City Attorney present to discuss it in further detail.

Alderman Harenda said yes he would like to know what specifically the residents are looking for and what are legal liabilities are. He said that when you are talking about a public right-of-way, and the residents cleaning ditches out, this is a little bigger than a ditch. He said that in the past he has worked with Chuck and Staff in some larger easements and creeks where obstructions have fallen or people have filled in these areas where they shouldn't have and tried to fix those, and this is done every 5-10 years, not on an annual basis unless a big tree falls over. He said that Streets crews probably do this automatically, and that is what the City would probably be responsible for, but the rest would be the responsibility of the property owner adjacent to those areas to keep it clean.

Alderman Hopkins said that he would like to hear from Alderman Ament, and at the same time this particular easement talks about being able to go in and work on culverts; it does not say anything about cleaning them out. In the meantime Alderman Hopkins said he would like to get an opinion from the City Attorney as to what his thinking is to the City going in and cleaning out this area.

Commissioner Kern asked Eric if this was sort of a unique thing that happened between this particular property owner and the City or there are others buried out there.

Mr. Nitschke said that he thinks we have learned that nothing is unique, and just when we think we have seen it all, something else comes up. He said that this was something that has come up, and thinks it was a practice in the past of the City assisting in some areas, but this is the first one that has come up that staff did not have record of the easement, at least to date.

Alderman Harenda said that if it is a navigable waterway, we do need minimal rights or easement anyway because the DNR controls it. Mr. Nitschke said that it is a navigable waterway.

Motion by Alderman Hegeman to table item SW 10-06. Seconded by Commissioner Kern, and upon voting the motion passed unanimously.

SW 08-06 Request Common Council, in Conjunction with Approvals from Board of Public Works and Community Development Authority, to move forward with funding for Calhoun Road and the Industrial Park Roadway Reconstruction Plan

Note: This item SW 08-06 in the minutes was requested to be verbatim by Greg Kessler, Director of Community Development

Alderman Harenda read the requested action: Request Common Council, in Conjunction with Approvals from Board of Public Works and Community Development Authority, to move forward with funding for Calhoun Road and the Industrial Park Roadway Reconstruction Plan. This is the presentation that was given to us at the last meeting.

Nitschke: I have a whole new presentation. Just kidding.

Walker: I want the committee members to think back to the presentation that Eric gave last time. One of the things he indicated is that we are looking for direction from the committee in conjunction with the Board of Public Works and the CDA as it relates to Calhoun Road. From the Committees perspective what we are looking at is think strictly Water Resource Management. You will recall that Eric said that Calhoun Road really is the lynch pin for improvements in the Industrial Park, from a Stormwater Management aspect as well. We have to be able to control the stormwater at Calhoun Road before improvements stormwater wise can be made elsewhere in the park. So we are looking for direction so that it weaves together with what the other Boards and Committees are also being to recommended to do, so that a joint decision or recommendation can then be submitted to the Council, that's what we are looking for tonight.

Kessler: We have made 4 presentations on this project, one I believe to this Board, we've made 2 to Board of Public Works and two to the CDA, and we will be going back to the Board of Public Works in April with some sort of consensus from all the Boards and Committees that have heard this. To my knowledge all the Alderman have heard this presentation at least once. Alderman Gallagher who doesn't sit on any of these Boards, we have talked with him. In my estimation and staffs as well this is a critical juncture for the roadway maintenance program in the City of New Berlin. This will set the stage for the next ten to fifteen years for stormwater management in the City of New Berlin are taken into consideration. I think it is safe to say that if we do nothing it will be very difficult for us to meet the requirement of 40% by the year 2013. With street sweeping and the new technologies for stormwater management that Eric and staff are implementing we may be able to meet the 20%, but it is critically, critically important that all of the officials understand that Calhoun Road is a critical part of the Industrial Park revitalization and our goals of meeting the water quality standards for New Berlin. If there is any discussion or direction that you are able to provide it would be greatly appreciated. We did meet with Ehlers & Associates today to talk about these impacts on the budget and I believe you have a Council meeting next Tuesday they will be bringing that forward to you and the impacts of that. So you will have information in front of you, what the impact will have on the average homeowner in New Berlin should you go with funding Calhoun Road on your own.

Harenda: I will start it off from the standpoint of this committee and what we do with the utilities that we are doing the Calhoun Road project as the tip of the iceberg and everything trickles on down from there and into the areas of revitalization of the Industrial Park and to meet the states requirements by 2013. The only concern I have is like anything else we do, if you have the money to do it fine, but if you look at the City as a big picture and figure out where we are going to put the money. I know the Mayor is working with Ehlers and I think you just raised the issue of the possible impact and I think the bottom line is how this will affect the tax bill. I'm sure all the Alderman will want to see that also. We also talked about meeting the 2008 / 2013 requirements when we discussed with the Tess Corners issue. Is there anyplace else in the city as far as other major projects, as far as the pipeline

goes, that would assist us in meeting those requirements, that aren't significantly as costly as the Calhoun Road project I guess. Putting this all together and seeing the presentation here and at the CDA meeting is, I know Eric had mentioned that the proposal for the Industrial Park revitalization is a set dollar amount for the proposed roadway infrastructure there. On top of that we have cost for storm water and that raises the cost and looking at what the overall cost would be at least with the information we have at this point. Because the Mayor is working with the staff already for our next budget and it's not getting any easier and it's not clear as to where the State is going to go we still need to be conservative on where we are going to spend our money, and put it where it needs to be put without putting an undue burden on the taxpayer. Is there any way for us to look at the total cost breakdown and tie it into the Industrial Park, but also look at the City in general as to where we have other projects in the pipeline. The other thing is, we don't have any money available in the Water Resource Utility until after 2010, until our CIP spending is down which we are aware of. So the money we have is basically going general O & M work within the City, as well as some Planning and Engineering work to plan for the next decade, the way I look at it I guess. Biting off the chunk of money that we need to do this is allot and is giving me heartburn, and I have received some comments from people already but we are all dedicated at least our goal here is to put money into the Industrial Park and they have already put significant money into the utility already as well to pay taxes, those are my comments starting out with. I know Eric commented on this last time as well as the City Attorney, if we don't meet the 2013 requirements what are the repercussions? It's getting to the point where I feel every year we are dealing with another mandate from the DNR which I know sometimes trickles down from the Federal Government, but it gets to a point where we aren't going to be able to fund everything with the amount of money coming to us from shared revenue and road aids unless we are going to jack up property taxes through the ceiling I guess. Those are my concerns, I have I guess, from what I have seen over the last few presentations.

Kern: Do we have the answer for that? I don't think anybody has the answer for that. What if you don't meet the 40% requirement?

Kessler: I don't think anybody has the answer for that. What was related to us by the City Attorney at the last CDA meeting was that at least this Attorney General and how he related to us has been aggressive in going after municipalities or governmental bodies not meeting some of these mandates. There is a track record there at the state level where they go after municipalities, but I don't know if anyone knows what that would be.

Kern: What would be your plan B to meet it if you feel you have to meet it if you don't get the Calhoun project? Is there a Plan B?

Nitschke: Well the Plan B and this would correlate to one of Alderman Harenda's concerns, is there another area where we can get a bigger bang for the buck? Where the settlement load in the City is, is in impervious areas, especially in the parking lots and roadways and the Industrial Park is contributed to approximately 450,000 pounds of sediment a year, to the City's discharge load? Is there another area in the City that there is a bigger bang for the buck? The only other area I would say would be the streets in the City as a whole, the only other way to address that on a fiscally responsible scale would be to have a very detailed streets sweeping program. To really move forward with the street-sweeping system we are proposing to set up, I know the committee approved one street sweeper in the 2006 budget and it is on order and Ray, we are expecting it any week now? We were looking for a 2nd street sweeper. Is there another area? Is there a Plan B is to hit our streets with an aggressive street sweeping program, and to do what we can with new development that is coming in and ensure that they are meeting their requirements and to maintain our system as best as possible. The main hot spot in our City is the old Industrial Park, and I would say that there is not a better area to spend money because this is not just about stormwater it is also about the roadway reconstruction and its also about the aesthetics and the CDA in the Industrial Park.

Kessler: I think that going beyond that, when you are dealing with the properties in the Industrial Park we are trying to be a little more aggressive in terms with working with those businesses to do some development, some revitalization or to combine properties and to offer credits for open space credits, not stormwater credits for rain gardens and bioretention swales to sort of assist us and give us a helping hand so to speak.

Hegeman: I was going to ask, Eric you said you could start by doing nothing or do everything which is \$10 million on Calhoun Road and all, then is there a perspective where you could put something in the middle, can we meet the requirements for 2013 and do partial on the stormwater on the Industrial Park and streets combination, is there somewhere we could be on the middle ground.

Kessler: I'll start I guess, until we run the SLAMM model we aren't going to know what we have achieved until we get to the point where we run that model. Obviously we have presented three various options for Calhoun Road and whatever the Council ultimately decides we'll retool and we'll move on accordingly, we have to, we don't have a choice. What we are trying to show today for purpose of debate if you look at that STP grant funding we have 5 eligible arterial streets in the City and \$21 million is the estimated cost for those five that are grant eligible. What we are trying to say is that we would rather not delay the implementation of those reconstruction projects, we would rather kick start Calhoun and then take that project out of the STP funding cycle. The balance of those projects, for all intents and purposes can be funded by the STP grant program. We would have to have a 20% match so we could really get things moving.

Harenda: Is that something that Ehlers is working on? I know I asked about that and I assume they are working on it.

Kessler: JP revised the spreadsheets today to put our 20% local match in and pull those out of the overall analysis so that the PowerPoint presentation that you saw at the first meeting will be updated and will generate some really good discussion at Tuesday's COW meeting.

Kern: How confident are you if you pull Calhoun out of the STP funding, and this was basically taken out, how confident are you that you would get STP funding for the other projects? I mean, as I understand it, you have to go through the whole process again. Are you very confident that you would get funding for those other roads?

Kessler: There isn't anyway I could sit here and tell you that we would get funding, I am not on the review committee, but the way that the formula and allocation is set up, we have technically \$5.4 million set up in this invisible fund if you will. The way that the formula is allocated, because of the cost of Calhoun Road, it puts us so far into this negative number that we are borrowing for future years that we don't even rank in the top fundable programs. You also have to remember to that we are competing with others like Milwaukee County which is a entitlement community so to speak. They get right off the top \$20 to \$25 million of the \$50 million, so that the pot of money that we are competing against for has just shrunk literally in half. So at that our allocation and all other allocations are based on their arterial lane miles, since we aren't adding any more arterial lane miles, our allocation has actually dropped. But we have \$5.4 million sitting in a pot, we have seen other communities get multiple projects funded and they remained in the pot, that's the same scenario that we are in.

Kern: So the cost of those projects, would that bring the ratio closer to zero that you are looking for to rank where you need to be?

Kessler: Yes, in other words the projects kind of fund themselves and keep banking over time.

Nitschke: If I may jump back to Alderman Hegeman's question regarding if we did a part of the project would that work towards the 2013 requirements? Unfortunately we can't do a part of the project in the sense of just working on the stormwater quality component of the actual project, because of the design that we are looking at. With the bioretention swales you have to have the full build out areas, the right-of-way and you have to work with the property owners adjacent to the roadway. On top of that you have to have the storm sewer installed and then the curb and gutter installed so you basically have to have the whole roadway installed before you can install the bi-retention swales. In order to do that you have to do that whole section, could you do bits and pieces of the section say Deer Creek to Calhoun on Lincoln and then another section do Deer Creek to Moorland, that is possible, it's something that has been discussed internally except that you would have the overlap of projects and the start up costs and costs of that nature that really affect that. Ultimately the stormwater quality component has to go in line with the roadway project.

Hegeman: What if they do a scaled back road project, we don't do the whole \$10 million, we do the repaving or something? Would stormwater fees go down or would the costs go down or stay the same no matter what?

Nitschke: I will leave the roadway project to JP as far as if we scaled that back, but remember that the water quality component or requirements for storm water in roadway projects is all based off the increase in the impervious area.

Walker: What we are looking at with say the repaving of Calhoun Road. You haven't addressed the problem other than provide us with a smoother driving surface. That's not the problem. It's not the problem stormwaterwise and it's not the problem roadwaywise. In regard to your question, doing just a portion of Calhoun Road, to me in my opinion is not the answer. You have to look at what problems you are trying to attack, from the

stormwater management respect you have to have a storm sewer system installed on Calhoun Road, in order to do that you have to reconstruct Calhoun Road.

Hopkins: I don't pretend at this point to know all the answers, but I think this committee especially has to remember that the Industrial Park has put a lot of money into stormwater funds and we have not spent our funds on them. I think we have to keep that in mind. The other thing we have to remember is that Calhoun Road is a major arterial for New Berlin, not just for the residents, but all the industries in the Industrial Park. I feel that the Industrial Park is quite important for certainly the City of New Berlin and certainly needs some upgrades.

Chiovatero: I certainly am very encouraged with the conversation that we are having. But what we have to do with this conversation is to come up with some alternatives or make some recommendations or whatever. We know that it is going to be ultimately up to Council to make decisions, but the meeting we had this morning with Ehlers was shocking and you are going to see again this coming Tuesday when we have our finance meeting. Basically we sat there and Greg, Eric & JP went through what is needed throughout the City, what is needed for stormwater, what is needed for the community as a whole, and Mike Harrington and his partners, just as Greg was saying we needed another \$2.6 million, said time out, wait a minute we can't afford it. Now it comes back to the Council having to give us some direction. We here at this committee need to have this conversation in order to start giving some recommendations or some direction to the Council so the Council can make some decisions. We have three Aldermen here. I'm on all three committees so I have seen all these presentations at the CDA, Stormwater and Board of Public Works and quite frankly I don't know how we are going to do it. \$10 million for Calhoun with the rest of the Industrial Park we are talking a total of \$30 million and Greg brought up that we have another \$21 million in roadway projects out there for arterials. It does not go into the all the stormwater issues that we have, it's a monstrous thing. I'm sitting here thinking about this all afternoon, JP just revised the CIP roadway work sheets for both the Industrial Park and for the general CIP for roadway, I printed them off but I haven't looked at them yet. I'm thinking about this and I'm wondering what is the State going to do for us. We did find out last week that we are ahead of the game and that's good. We would like to remain ahead of the game, then I'm thinking is the state going to go after us, this is the same that happened to us with the MMSD lawsuit, we did a lot of work and we were ahead of the game and we were fearful that we would be penalized because we were ahead of the game. The communities that did nothing, are they going to get a bye from the DNR or the EPA, saying Ok you haven't done anything. When it comes to a community like us that have done something and continue to work on it, maybe we will get the biggest bang for the buck. It's scary. We don't know. I want to encourage the all three Aldermen here to really think about the some of the things that we have said today and be prepared for Tuesday, because I tell you. I gave Ehlers some direction to go through some scenarios, as far as highway funding, do we fund it over a longer period of 10 to 15 or 20 years for roadways, do we look at raising fees. One of the things that Ehlers said is that you aren't going to be able to do it without raising stormwater fees, but Eric and Greg were very strong in saying no that is not an option. He is going to throw these things together along with some of the things that were said last time along with some of the things that Alderman Harenda had said as far as some of the ways we can maybe fund it. But right now we are at a standpoint and strong difficult decisions are going to have to be made and made within the next two months. One thing they said they haven't done is because they are trying to get the full picture, is come back to us and tell us what it is going to cost the homeowners and the businesses. They are working on that and hopefully by Tuesday they will have something. We have to bite the bullet and we have to do it now and we have to make sure we know and understand what the right to do and what has to be done. I know we keep saying what if we don't, what if we didn't do it, what will the state do to us, it doesn't matter, because it has to be done. The scary thing is it has to be done within the next 8 years, 7 years, and you are talking about \$15 million plus and that doesn't begin to touch the rest of the CIP projects in the City or the Fire Department or anything else that may come up. There is a huge outcry right now from my other counterparts about the new taxpayer's act, I have been asked to join a force to go against it. I will be presenting some things to you at Council but it is going to limit us horribly, economically as a state and as a city and everything. The intent, I love the intent, but the mechanics in order to do it will not work, unless everybody in the state and county join us and help us resolve our problems. I don't know what we are going to do. Please, let's continue this conversation and help Eric, and JP and Greg come up with some ideas or alternatives to move forward, we need to have this conversation and understand we are going to bite the bullet. If you are thinking about the taxes or whatever, I think we are going to be mandated by law as to what we can do and if we're not, we have make sure that we put our resources in the right place, and make sure we do the right thing. Stormwater is a new thing out there that has cropped up in the past few years and that's costing millions and millions of dollars. We aren't alone in this, so we have to do what's right and at the same time we also can't let our citizens down and avoid this and any tough decisions down the road. We don't want to go to the citizens two years or five years down the road and tell them sorry, guess what, you're stormwater is no longer \$15 a quarter it is now \$40 dollars a quarter and ultimately we are going to have to do that. Please keep that in mind and continue this conversation. So..

Harenda: OK, well the Mayor had a good point that I was on the way over here thinking that we are being forced to comply by 2013 but we are losing federal and state funding along the way and it came to a point in a similar conversation a couple of days ago in a presentation he had at the state capital right?

Chiovatero: Yeah.

Harenda: Of how we you know, have done outstanding things in this community and our staff has done wonderful things to do those things in our community. It is just that the thing I've got a hammer with, is holding taxes down as well as just meeting the requirements, because to me, there is just not enough to go around I guess. The direction I give to staff I guess is just that you have the Cadillac plan here, it is the best way, is there any alternative plans off that? We are looking at the Industrial Park improvement plan and we are looking at \$20 million dollars based on 2007 to 2014. We've got plans for reconstruction of Lincoln Avenue and Ryerson Road, are we, is stormwater funding in these numbers, refresh my memory or not?

Nitschke: – No.

Harenda: It would be on top of that. The question is how would we fund those projects I guess if we don't have the within the stormwater utility until after 2010 I guess. I know we have discussed this but I want to bring it out again.

Nitschke: Um, that's, and I know that Alderman Hegeman brought up that question as well, where is the funding going to come from. The whole idea was that if Calhoun Rd was done now and outside of STP funding, that roads like Lincoln, and like Coffee and like 124th could be done with STP funding and the matching funds would come from the Stormwater Utility to match the water quality components. Because you can't do the road not only without the water quality but the bioretention swales are also dealing with the detention but the quantity controls, the volume controls. It is really a 3-fold section there and the whole thought process, or the whole idea was if the City can fund Calhoun Rd now when STP funding because available in 2009 JP and 2010 (JP nods), the WRU at that time hopefully will have its feet back underneath it where it can start doing the matching funds for some of these additional projects. And instead of losing time to our requirements we maintained the schedule and we've set aside a funding source that can be used for those other projects. Really what we are trying to do is make lemonade out of lemons and that's ultimately the goal is to take a holistic approach and what are we getting out of it. Because the other thing is that we are working with the businesses in the industrial park to work with the industrial park plan. If we were to just do the roadway reconstruction, it doesn't matter what DNR says, MMSD's regulations require detention. So, whether or not we meet our water quality component or not, we still have to detain the stormwater runoff per MMSD Chapter 13 requirements. And that is where the funding, if we do Calhoun Road now, we reserve the STP funds for those other arterial roads, and the STP funds will be larger. We are looking at \$5.4 million now but in the 2009-2010 cycle we are looking at approximately \$6.1 or \$6.2 million. And when you look at Lincoln at 2.7 and you add on the \$700,00 for the water quality and bioretention swale component you are looking at \$3.5 million. That is just over half of the STP funds that are out there if you take the 20% match. We haven't even used half of the available STP funds for one major project. That's where the multiple projects and the funding source really; the idea behind the funding source comes into play. Germantown did it this time around. It was Germantown that had 3 projects in the STP funds and they got 2 of them.

Hegeman: Eric, Greg, JP, STP funding was denied for Calhoun, OK, now in 2009, what is to say that it will not be denied again, or whatever roadway project we are doing?

Kessler: I think it is safe to say that Calhoun Rd will never be grant eligible just because the size of the project and the limited funding in that pot. Ah, it is 10.2 million today; it might be 11.2 down the road when we want to go to construction. Um, when you look at, like I said, the 5 eligible grant, rather the 5 eligible arterials that are eligible for funding under the STP program it is \$21 million dollars. So if we wait until Coldspring Road (Mr. Kessler meant Calhoun) would be grant eligible, it is many many years out, and we are not going to submit any other grant proposals for any other projects, because why compete against ourselves? You know, just let that pot sort of cycle and cycle up until we get enough to fund the project or at least drive that number or at that difference down. So nothing is getting done in terms of roadway projects, nothing, so that STP funding sits there until Coldspring Road (Mr. Kessler meant Calhoun) is eligible, and once it is eligible, we borrow it all, we drive it up and take the entire pot down and we are coming right back at you with all these other projects that we just bypassed.

Nitschke: Greg has really hit on the STP funding and the cycle and how it is set up, and one of the things that is paramount, that Greg has pounded in all our heads to understand is the rating schedule and how does it get rated. Just as a brief review, the rating, the ratio that you get is how many biennium cycle it will take to pay back the additional money that you borrowed over and above what you had in your STP funding. This year for Calhoun road it was 3.5 cycles, so it would take approximately 7 years to pay back the additional money that we were hoping to borrow. That is what kicked us down the list as far as where we were going to get our STP funding from. Now, Waukesha County had a project, a 6 million dollar project that ranked as a zero. They had the money in their STP bank, so they did not have to borrow any additional than what they had bank. They got the project. I am looking for the sheet; I don't have it in front of me. I know the two from Germantown they were approximately -1 to -1.5 in the ratio and they were smaller projects, so that's where you really gain by not having Calhoun Road in the STP grant funding cycle. If you go with Lincoln at 2.7 to 3.5 million, we already have all that funding so the ratio if you put Lincoln first is actually a plus. Which there was one community, I think JP, with a plus number? (JP nods) The rest of the communities that received grant funding, were either one or two zeros and the rest were negative. That's where like Greg said, we can't guarantee it, but you really move yourself up on the list if you are in the positive or at zero.

Kern: So if you think you'll never get STP funding for Calhoun, ultimately doesn't that come around that regardless of what you are going to do the City is going to have to pay for it and the choice is do you going to do it in incremental steps and add it up, do you do a milling and repaving now and pay for it later? Isn't that sort of the bottom line debate here, we are not going to get STP funding, so the City is going to have to pay for it, we have to decide when and what to do.

Kessler: That's the direction that we need. We presented 3 options, we can do repaving, we can do intersection work or the City can bump up its match.

Kern: What about repaving? Somebody said that does not really gain us anything. Can you sort of explain why that is not an attractive option.

Walker: The only thing that repaving does is provide a smoother driving surface for the public, those that are using Calhoun Road. It gives you no stormwater management capabilities; basically you are repaving the existing roadway. You are smoothing out the drive, that's it.

Kern: So you are basically spending money but we still have all these other problems that we haven't solved.

Walker: You haven't solved one of the traffic problems. One of the major problems is the intersection with Cleveland Avenue that has to be reconstructed. To do that, we exceed the ½ acre increase in impervious area, which kicks in the detention requirement. That's the stormwater requirement, so things that need to be done to solve the immediate problem have stormwater implications.

Kern: So would you argue that milling and repaving would just be throwing money away?

Walker: It would cost anywhere \$300,000 to \$500,000 and buy us maybe 4 or 5 years. Because of the type of traffic that would be on it.

Kessler: I would throw out there for those that were on the Board of Public Works at the time that we debated the roundabout and about which of the 3 options that we want, we chose option which is the roundabout one, that had the highest capacity and would serve the City the longest. Calhoun Road does not meet traffic capacities today.

Kern: So you could spend \$500,000 push it out 4 or 5 years and don't get STP funding and you have to come back and deal with it all over again.

Kessler: We still have capacity issues.

Chiovatero: That hits the nail on the head.

Harenda: The Mayor makes a good point; we need to make a recommendation to the Common Council as well as the Board of Public Works or the Common Council?

Kessler: Ultimately what we would like to do is, the Board of Public Works requested verbatim minutes from the CDA and Water Resource Committee so that they could formulate a recommendation. So it will make it part of their records, so.

Harenda: So the standpoint from this committee, you got 3 Alderman, a citizen and the Mayor on this committee, our duty here is representing the Water Resource Management Committee as best use of its funding as well as the issues it needs to meet in the coming years. We talked about in the 5-year plan and potential rate increases, we put that on hold more or less we were discussing down the road. If we went ahead with the funding of the Calhoun Road project, how would that help the Utility I guess, and its funding of current projects in the next 5 years and taking us into the next decade when CIP funding becomes available? Does that buy this Utility time where we hold the rate and hold those Utility fees down I guess.

Nitschke: That's the hope that it really gives us a credit and buys us time in the sense that if Calhoun Road moves forward, then we can move forward with additional work within the industrial park even if it is pushed back a year or so, meaning Lincoln and Ryerson, Glendale, those types of roads that at the very least, then the Utility can plan for it and plan for it within the confines of the STP funding, especially for Lincoln. It gives us time but time within that 7 year span.

Harenda: The only thing that concerns me, I know we are never going to get STP funding for the Calhoun Road project, but I raise the question, if we borrow it and take the Calhoun Road project opens funding for the other road projects, I just don't want to be sitting here in 3-4 years, and if I am not here, someone else will be facing the same scenario and we don't get the STP funding, now we have to do \$20 million worth of road projects in the industrial park and we have controls on our revenue sources and everything else that is a concern I have too. But I know we have to make some serious decisions here, so I just want to just throw that concern out I guess.

Hopkins: And I would certainly hope that we put some faith in that we get some STP funding down the road, but I think at this point, and I don't know who said it in this whole group here, but somebody said that we've got some hard decisions to make and we've got to look at what is best for the city overall. They are hard decisions, but at the same time that's why at least 4 of us up were elected, and as much as I hate to spend the money I think that Calhoun Road is that important. If we are going to do it, we've got to do it right. We can't push it out, repave, wait for another 3 or 4 years and have all of these costs balloon on us again and we are right back where we were.

Chiovatero: I just wanted to remind you too, you are right, we've got a lot of hard decisions to make and we've got to keep moving but one of the decisions we can make, when we look at this whole picture of all the projects we can do projects 1,3 and 5 and not do projects 2 and 4 and just stand strong to it. I guess we got to do what we get the most bang for our buck or what is the most important and what is better for the City overall. We can't afford everything and unfortunately we are being forced by some mandates to try to afford everything, but we might not be able to. You know, if we as a group here, as far as stormwater goes decide, OK we need to do Calhoun we are going to push off another project down the road somewhere. We've got to make that decision and we've got to hold strong to it. So, I mean it right now there seems to be a lot of CIP roadwork and projects we have been talking about recently. If we decide we are not going to improve a road, we'll make that decision. The industrial park has been neglected though, roadway wise, stormwater wise. It is our economic tax base so we need to get that built up again and keep moving so we have a good solid tax base. Because right now we have credit ratings, we have great Moody rating and everything, and that's because we maintained our infrastructure, we keep our tax base up, we just got to make sure that we're not neglecting our strong base.

Harenda: Is there any other way, I mean, JP or whatever, we have to borrow potentially additional \$8 million for Calhoun Road on top of what we have already set aside, right, give or take right?

Walker: No, you have to borrow \$10.2 million.

Harenda: On top of what we have already set aside in CIP?

Walker: Right now what has been set-aside in CIP is to cover the design and right-of-way acquisition. Nothing towards construction.

Kessler: We worked with Ehlers this morning and talked about potential phasing to drop that burden so that it's not \$10 million borrowing whether or not you qualify.

Harenda: It is all in 1 year?

Walker: What we are presenting to Ehlers is borrowing over 2 years, splitting it in half so \$5.1 each year, starting in '08.

Harenda: Which is probably what we borrow on an annual basis for the entire City.

Chiovatero: No, historically we normally borrow around \$2 to \$3 million a year.

Harenda: Well, I was looking at stretching that over a number of years, it makes it easier to accept I guess, but then you're pushing back some of these other projects is the other concern.

Chiovatero: Well, that is one of other things that I was always looking at too. We tend to borrow the stuff on a 10-year basis. They are going to look at, the library was borrowed on a 20 year, the Safety Building was borrowed on, like I think he said 17 year, so we are going to be looking at a 15 or 20 year to try to ease it out. You know, I wish I could say that we need to bite the bullet now and then get everything done, because I've looked at that. What if we did everything now within the next 5 years and did nothing over the next 15, but I think that is just unrealistic to think that way because something new like stormwater will pop up.

Harenda: Okay.

Kessler: And we've underutilized the STP since I've been here, going on 7 years. The only project we ever had funded through STP is the National Avenue side paths. We've not used it for roadway projects, we are trying to let it build up, and so, I don't know if there were projects previous to that, I don't know. I think we do want to address the one issue about borrowing or doing projects out of order. You have to keep in mind Calhoun Road and Eric can elaborate on this, that is the project, that is the headwaters, that is the big one and it all starts there, so Eric you may want to elaborate.

Nitschke: Right, we've had this discussion internally as well, can we do Lincoln and maybe skip over a couple of others, just resurface some other roads. The problem is that you can't do Lincoln and Ryerson and just resurface the rest without doing Calhoun, because Calhoun Road ties into those roads. The flooding problems that we are experiencing; the headwater to Glendale is Calhoun. The headwater to Lincoln and the flooding along Lincoln is Calhoun. The headwater to Rogers is Calhoun so you have to set your system at Calhoun before you start doing the systems downstream. That really is the problem, Calhoun Road is the cornerstone and without it you can't build a building. The other thing I did want to point out, we are at this point today because we've been delayed for different reasons. The STP funding, this is the 2nd cycle now that we haven't gotten it, so Calhoun Road has been identified for that extended period, and I know also the stormwater end of things, we've had the discussion within the industrial park. Do we go and do that section, do we spend money on it and we haven't because we have been waiting for the CDA to finish their plan and for us to finish our water quality plan so we could get to that point. So items that have been identified, problem areas that we have known about have been delayed in order to get the whole picture, now we are at that whole picture, that's why it feels like ah, it is coming all of a sudden, but it has been building over time. Ultimately Calhoun Road, it is the headwaters, it is what has to kick off everything else.

Harenda: We are looking at roughly what we have for the Industrial Park and what JP had originally for the CIP budget, we are 45-46 million dollars over 7 years. Is that right? That doesn't include any other city stuff in here is there?

Walker: Add in, change the amount that was in for Calhoun Road, 2 point something, change that to 10.2 and you are over 50 million, about 54 million.

Harenda: That is adding over 7 million, that's a lot to finance.

Chiovatero: I don't know what you are doing. I think the tough decisions will be at Council, what do we do or we don't do.

Harenda: I'm just saying, what we have to wait, I know our Utility hats are on I guess and our responsibility is to utilize the Utility funds the best possible manner here and meet the obligations of what regulations we have to comply with. The problem is I asked Eric if we borrow the money does that keep Utility rates in check for a number of years, it does offer some flexibility I guess.

Nitschke: In the 2006 budget we laid out the spreadsheet that if we maintain status quo with no additional CIP projects that 2009, 2010 is pretty much where we can make it to.

Chiovatero: That question was asked today during our meeting with Ehlers about stormwater, do we bite the bullet and borrow for stormwater through tax dollars or do we pay some of it through Utility dollars and it is a fine balance I think that may be a direction that we here will have to look at and bring back to Council and have Council make the final decision.

Harenda: I know you are looking for a recommendation here, it is hard for me to make a motion or I don't know what the other members think, with all the financial impacts I guess is my concern.

Kessler: If I could add, we talked a lot about what Ehlers is going to be doing and going to be analyzing. I'm not sure that it is necessary it would be fair to put the committee in that position right now to make a recommendation to Council before you have even seen this revised analysis from Ehlers, so you may want to consider tabling until your next meeting, which will obviously be next month. You'll have more information from Ehlers.

Chiovatero: Is that necessary? I think the recommendation that comes out of this Committee, is that there is conversation that we are here, that we are all involved in. We take our knowledge and we get to next Tuesday, we put our stormwater hat on and then take that off and put our public works hat on and think about all the different committees and go from there. We can always bring it back. I know that Commissioner Kern does not have all that say so, in it but what he has said I will be glad to take forward and it will be included also.

Harenda: OK. I'd still like to have Staff or Eric work on some side scenarios like doing the Cleveland and Calhoun intersection but we were talking about additional impervious surface and retention ponds and things that would be practical I guess. Have you looked at that to any degrees I guess and without, where would we put the retention pond if we had to put it there, there is no space and underground retention would be more money I guess?

Nitschke: We have and it has been very difficult because it is not just one entity that deals with this project. We also have the roads to work on and how do they phase down from 4 lanes back to 2 lanes if they are only doing an intersection and things of that nature. I know that the Board of Public Works yesterday approved moving forward to 60% plans on the design of Calhoun Road and that's really going to help in the stormwater component and what the cost is at least for Calhoun Road on the stormwater. So, the thought process has been there. We do have a good idea of what sections can be done and what cannot. What has to be done simultaneously? Like I broke out last time it really is basically Glendale south to the southern project boundary is one section, from Glendale north to the railroad tracks is a 2nd section, and from the railroad tracks to Greenfield Avenue is a 3rd section, and there are multiple stormwater problems in each of those sections.

Harenda: The only other question that I want to add to, is that you are going to be doing a SLAMM analysis this year or next year?

Nitschke: 2007

Harenda: OK. How much weight would you give that analysis? It's going to give the big picture of the entire City at that point.

Nitschke: It is what DNR bases it's 20 and 40% regulations on.

Harenda: It would be nice to have that ahead of time, but it is not going to work out that way. Unless there is any other discussion, let's table it and ultimately discussing Ehler's update and probably bringing the information back to the next meeting. I know that in the next couple of months that Staff and consultants are in a holding pattern and we need to make a decision one way or another. Any other discussion? I look for a motion to table then, Item SW 08-06.

Motion by Alderman Hegeman, seconded by Commissioner Kern, and upon voting the motion passed unanimously.

SW 09-06

Approval of Ordinance to Amend Various Sections in Chapter 65, Water Resource Management Utility, Chapter 226, Stormwater Runoff, and Chapter 230, Streets and Sidewalks

Greg Kessler said that the modifications to the code are to finalize the name change from Stormwater Utility to Water Resource Management Utility. Also, some of the modifications reflect the change in responsibility for managing the Water Resource Utility from the Director of Utilities and Streets to the Director of Community Development.

Motion by Alderman Hopkins to recommend to the Common Council approval of the ordinance to amend various sections in Chapter 65, 226, and 230. Seconded by Alderman Hegeman and upon voting the motion passed unanimously.

Motion to adjourn at 6:21 p.m. by Mayor Chiovaturo. Seconded by Commissioner Kern and upon voting the motion passed unanimously.

Respectfully submitted, Sue Hanley, Office Coordinator Utilities and Streets