

**Minutes
Storm water Committee Meeting
New Berlin City Hall
3805 S. Casper Drive
Council Chambers
July 13, 2004**

Please note: Minutes are unofficial until approved by the Stormwater Committee at their next regularly scheduled meeting.

Present: Alderman Hopkins, Alderman Hegeman, Alderman Harenda, Mayor Wysocki & City Engineer J.P. Walker

Others Present: Eric Nitschke (Division Engineer), Cathy Schwalbach (Project Engineer) and Ray Grzys Director of Utilities and Streets

Meeting called to order at 4:48 pm by Alderman Harenda and a quorum was declared with all members present.

Item SW 01-04 Approval of the June 8, 2004 minutes

Motion by JP Walker to approve the June 8, 2004 minutes. Seconded by Mayor Wysocki, and upon voting, the motion passed unanimously.

Item SW 25-03 Communication from Marquette Dr Residents

Motion to remove this item off of the table by Alderman Hopkins. Seconded by Mayor Wysocki, and upon voting the motion passed unanimously.

Eric Nitschke presented a history of the drainage problems on Marquette Drive. This issue has been on the agenda for several months, but has been delayed because of elections of new alderman and membership in the committee changing. He stated that there are 3 or 4 properties experiencing standing water and a wet ditch. One of the residents at 12635 W Marquette Drive contacted current Engineering Staff on April 13, 2002 regarding the sump pump and ditch and said that the issue had been a problem since 1994. Cathy Schwalbach did a hydraulic analysis and found that a concrete invert would lower water in the ditch and move the water along.

Alderman Harenda noted that the prior Stormwater Committee voted down the 50/50 split. He asked what committee this problem would have been brought before prior to Stormwater Committee? Cathy Schwalbach noted that it was the Public Works Committee and that upon review of the minutes for Public Works and the Council, no record of this problem was found.

Alderman Hegeman asked why the prior Stormwater Committee voted down the 50/50 split? Mayor Wysocki stated because the problem is not a stormwater issue, and that the ditch was wet because of a sump pump discharge.

Eric Nitschke continued that a lot of the areas in the City have continued sump pump discharge and that by installing a concrete invert on Marquette Drive, the City would be setting a precedent and that the present concrete invert policy does not provide for cost sharing. He added that the ditches are functioning as designed in 25-year storm events.

Mary Joas of 12635 West Marquette Drive stated that she wanted to add the date of August 4, 2000 to the history of the issue. It was on that date that a formal request was made to review the problem. She read a letter from Mark Hanzlik (former Stormwater Engineer) to former resident Roger Carroll. In this letter, Mr. Hanzlik stated that the City could reshape the ditch, but that the ditch does not qualify for a concrete invert, and that it would not be allowed because it would be a detriment to the environment, its impact to the existing

facilities and additional maintenance costs to the City. She stated that this area was ditched 3 times by the Street Department. She further stated that the problem started prior to the present invert policy was approved in March 25, 2003.

Eric Nitschke stated that the invert policy was revised in 2003, but the policy was actually set up in 1998. He stated that the requirement is that a formal application must have been presented before the Board or Commission, and none was found. He agreed that the problem was a long-standing issue, and that we just don't have any documentation that it was brought before a Committee. He added that the City Attorney agreed that we have to be consistent and follow the date of the written request for the concrete invert.

Mayor Wysocki asked how far the concrete invert would extend from the driveway of this property to the east end of 12535 W Marquette Dr. Eric Nitschke answered it was a frontage of 230 feet with an optional 65 additional feet, at a current estimated cost of no more than \$33.49 per foot, with the Street Department performing the work. The cost is divided according to frontage. Eric Nitschke stated that staff made the offer of a 50/50 split to help improve the situation, improve efficiency of the ditch, despite the fact that the concrete invert policy does not allow for funding. He added that their suggestion of a rain garden should still be used. There was further discussion about payment options. Eric Nitschke stated that the Stormwater existing payment policy for back bills over \$1,000 is 1 year. He added that the residents could split their costs 4 ways instead of by frontage.

Alderman Harenda stated that the item would be brought before Council, and if approved, letters would be sent to the residents explaining the payback policy

Motion by Alderman Harenda to recommend to Council to approve a 50/50 cost split between the City and the residents according to the frontage at a cost NTE the current estimated cost of \$33.49 per foot for a concrete invert on Marquette Drive, in conjunction with using the rain garden. Payment schedule will be according to the Existing Stormwater policy, but allowing the residents to appeal the time if they can show just cause. Seconded by Alderman Hopkins and upon voting the motion passed unanimously.

**Item SW 12-04 Approval of Amendment of Section 210-B of the City of New Berlin
Municipal Code Concerning Downspout & Sump Pump Discharge**

Eric Nitschke stated that we are waiting for the City Attorney to review this issue.

Motion to table this item by Alderman Hopkins. Seconded by Alderman Hegeman and upon voting the motion passed unanimously.

**Item SW 15-04 Adoption of Resolution #04-34, "Declaration of Public Necessity and
Relocation Order for the Construction of Tess Corners Creek Pond**

Motion by JP Walker to recommend to Common Council to Adopt Resolution # 04-34, "Declaration of Public Necessity and Relocation Order to Construct Tess Corners Creek Pond in City of New Berlin" pursuant to Sections 62.22(1) & (1m) and Subsections 32.05(1) and 32.07(2) of the Wisconsin Statutes. Seconded by Mayor Wysocki and upon voting the motion passed unanimously.

Item SW 16-04 Discussion Item – Develop a Citywide Storm Water Ditching Policy

Alderman Harenda said that there are a lot of problems, especially in the western portion of the City where roads and ditches were constructed 50-60 years ago. He asked that Director Grzys and his crew look at the ditching list, and at new techniques and materials that could be used vs. asphalt or concrete. He asked that staff come up with costs of new techniques and a checklist, and possibly do a pilot study to see if new techniques work for some cases.

Eric Nitschke stated that the present policy was to keep the ditches natural, but instances of severe erosion and steep banks, such as on Barton Road, require asphalt and concrete. He stated that sometimes it doesn't look pretty, but it works and the resident on Barton that was most affected is happy. Director Grzys added that asphalt was used based on closeness of the ditch line to the road, and because our budget is

limited. He added that crews need to do the job once correctly and not have to go back and redo the work.

Mayor Wysocki added that the Stormwater Drainage policy and original Stormwater Management Plan was created for major projects such as detention ponds and did not go into ditching and drainage. He added that ditching does play a greater role in Stormwater drainage issues.

JP Walker reminded everyone that the City has NR216 responsibilities regarding Water Quality.

Eric Nitschke stated that he and Cathy would look at options such as rip rap and erosion matting and report back to the committee with recommendations.

Motion by JP Walker to adjourn at 6:12 pm. Seconded by Alderman Hopkins, and upon voting the motion passed unanimously.