

# Minutes

## NEW BERLIN STORMWATER COMMITTEE MINUTES

**December 10, 2002 -  
New Berlin City Hall; 3805 S Casper Dr - Council Chambers**

**Present:** Mayor Wysocki, Alderman Gallagher, Alderman Wilkens, Alderman Bullermann, and City Engineer JP Walker

Meeting called to order at 4:46 P.M.

Item 01-02 Approval of the November 12, 2002 minutes

Motion by JP Walker to approve the November 12, 2002 minutes. Second by Alderman Gallagher. Upon voting motion passed unanimously.

Item 12-02 Amend Storm Water Ordinance #2107

Motion by Alderman Bullermann to recommend to Common Council approval of amended City of New Berlin Ordinance 2107. Second by JP Walker.

- Question asked of how significant the change will be by amending this ordinance in adding language? (Alderman Gallagher)

- Under page 10, item 6 and it was recommended by MMSD. Basically incorporates their Chapter 13 rules into our Ordinance. It is in the best interest of the City to approve this change since MMSD does have the authority to place these requirements on us. This authority was reaffirmed in the Wisconsin Supreme Court case City of Brookfield, et al. v. Milwaukee Sewerage District. (Mr. Nitschke) Atty Blum spoke to clarify.

- Alderman Gallagher spoke to question MMSD jurisdiction within the City of New Berlin where there is no sewer service. Mayor Wysocki asked to explain the implications of the change, specifically, does this change increase requirements for developers within the City. Mr. Nitschke stated that it does. The increased requirements came into effect with new development and re-development that add more than 0.5 acres of impervious area.

Motion passes with Alderman Gallagher voting opposed.

Item 19-02 Concrete Invert Policy (Discussion Only)

- Residents of New Berlin were questioning whether our Invert Policy is double charging when Storm Water Utility fees are being paid. JP Walker introduced the discussion by explaining some history behind the policy and that the Mayor Wysocki has asked us to consider paying for the installation of concrete invert. (JP Walker)

- Mr. Nitschke further explained that the money used for this invert would take money away from other projects that would be solving flooding and other drainage problems.

- Mayor Wysocki explained that he believed the invert would save money in maintenance to ditch lines where the City is out many times maintaining. Mr. Nitschke stated that the City would not be able to afford paying for all of the concrete inverts requested by citizens, and still have money left over for major stormwater projects. Mr. Nitschke mentioned that one solution might be to have the City pay for concrete invert in the areas that meet even stricter criteria than what is currently used. There would also be a need to qualify.

- The Mayor Wysocki asked that we return to this discussion. Alderman Gallagher stated that he was not in favor at all since this would be paid for by the City, but would benefit very few citizens. JP Walker added that Staff is concerned with not having the money for other projects.

- Mr. Nitschke commented that the requirement could be changed to a 1.5% or less slope and to help those in dire need where the Streets Dept has been out many times for ditching. Alderman Bullermann assigned Mr. Nitschke to compile info to present at next meeting. This would include: Avg. cost to the City for the Avg. Property, Cost Options, Impact on the Stormwater Budget, Cost per year, list of addresses interested at this time, map showing a breakdown of areas in the City where these are requested.

#### Item 20-02 Right of Entry for CP-5 Vacant Property and Negotiation Requirements (Discussion Only)

- JP Walker explained the progress on the CP-5 basin pond and the current status of the project. He stated that the City needs to investigate alternative options for treatment and storage of stormwater because of limitations with floodplain, wetland, and on-line issues with the DNR. He asked Mr. Nitschke to explain one of the alternate methods being currently investigated.

- Mr. Nitschke described the workings of the Vortechincs Model. Alderman Wilkens asked how installation and maintenance of this type of unit compared to installation and maintenance of a pond. Mr. Nitschke stated that ponds are a more time tested best management practice (BMP), but they do take up more useable space. Treatment chambers, like Vortechincs or Stormceptors, along with underground storage facilities will be costlier to install than ponds but the benefits will outweigh the initial cost. Vortechinc units typically need to be cleaned once a year for a minimal cost, whereas ponds may require major overhauls (i.e., Westridge Pond). Underground storage and Vortechinc units are also cheaper in the long run because the land can still be used for other purposes.

- Mayor Wysocki commented that he was glad that the City was staying current with new technologies. He encouraged Staff to continue to investigate new options.

- Alderman Gallagher asked about sizes available. Mr. Nitschke stated that the smallest would be a 9 x 3 size all the way up to 18 x 12' for 27cfs.

At this point, Alderman Bullermann acknowledged Alderman Ament and Atty Blum in the audience. He asked if there was a particular issue they request be covered. Alderman Ament stated that they were both in attendance for item 18-02 Town Road Pond.

#### ITEM 18-02 Communication from WDNR on Town Road Pond (Discussion Only)

- Alderman Bullermann welcomed Alderman Ament to the council table and opened discussion on item 18-02.

- Alderman Ament began with some history as to the pond, the fence, and resident concerns. Cathy spoke in regard to previous concerns of City liability and Atty Reilly's opinion that there is no City liability for the pond or the fence since it is on private property. Atty Blum confirmed this and did say that if the fence were encroaching on City land, it could be ordered removed.

- Atty Blum noted a concern for safety of children in the neighborhood. Mayor Wysocki suggested that Atty Blum write to the owners notifying them of their responsibility because of ownership of the pond. Alderman Wilkens suggested filling in the pond. Atty Blum noted that nothing could be done with the pond because of resident ownership and possible DNR requirements. Cathy stated that DNR has determined the pond to be a private matter with no state jurisdiction over the pond or waters of the pond.

- Alderman Bullermann directed Atty Blum and Cathy to draft a letter to the residents stating this information and notifying them of their responsibility and liability.

#### 17-02 Stormwater Billing Policy

- Mr. Nitschke explained that there will be a number of stormwater accounts that will be back-billed. Staff has drafted a written policy for the methods to be used in back-billing. Staff would like Committee approval on the policy.

- Atty Blum noted that back-billing can only go back two years. No further discussion.

Motion by Mayor Wysocki to recommend to Common Council adoption of stated policy as noted. Second by Alderman Wilkens. Upon voting motion passed unanimously.

Motion by Alderman Bullermann to adjourn. Second by Mayor Wysocki. Upon voting motion passed unanimously.

Meeting adjourned at 6:12.