

Minutes

Stormwater Committee Meeting

March 23, 2001
Conference Room AB

Present: Mayor Gatzke, Alderman Ted Wysocki, Alderman Dave Patzer, City Engineer Jeff Chase, Division Engineer Mark Handzlik, Earth Tech Representatives Chuck Boehm and John Ferris, Tony Fischer of the DNR, Alderman Schueble, Division Engineer J.P. Walker.

Excused: Alderman Bullerman

Meeting called to order @ 1:35 P.M.

Item one on the agenda – Approval of the February 19, 2001 minutes

Motion by Mayor Gatzke to approve the amended January 15, 2001 minutes.

Second by Jeff Chase.

Motion passes unanimously.

Item two on the agenda – Storm Water Utility Discussion

Earth Tech representatives distribute a copy of the Storm Water Utility Financing Report and Mark Handzlik provides a draft copy of the second ordinance.

Jeff Chase introduces the Storm Water Utility Financing Report, covering the contents of the report.

Alderman Wysocki comments that we are all now familiar with NR216 and asks if the report covers new recommendations to cover the NR216 requirements.

John Ferris highlights Chapter 5 of the report by telling the Committee they looked at recommendations from the Storm Water Plan, NR216 requirements, City's recommendations, and Utility requirements. The first item covered is the recommended organization in which the City Engineer would be the Director of the Utility. He would supervise the Storm Water Utility Engineer, and would have a link to the Streets Department and GIS coordinator. The GIS would be the best system to track customer billing. For administration, the Director, Administrative Assistant, and a part time Billing Clerk were considered.

Alderman Wysocki asked of the recommended structure, what model was used and how did the consultants arrive at this structure.

John Ferris responded that the proposed structure is set up so that the majority of the responsibility is under one single point, the Director.

Alderman Wysocki asked why the Mayor was not shown as the ultimate administrator of the Utility as is the case with other departments in the City.

Jeff Chase replied that the Utility as a whole is under the direction of the Common Council just as the Water/Waste Water Utility, because it isn't shown does not mean that the Mayor or Common Council

would be precluded from control. He concludes by offering to expand the diagram to include the Mayor or Common Council.

Alderman Wysocki expresses concern that the Streets Department would in part report to the City Engineer for storm water projects because currently they report to Parks and Recreation.

John Ferris replies that separating the two complicates the issue rather than having it under one entity.

Jeff Chase responds that the proposed structure doesn't necessarily mean the Streets Department would report directly to the City Engineer, rather the it gives the City Engineer the ability to direct storm water projects as opposed to full supervision.

Alderman Wysocki comments he doesn't know how that would work functionally, and questions further the additional funding of \$50,000.00 as not being adequate to cover the costs of additional staff.

Jeff Chase comments that the intent was to fit the new structure into the existing reporting structure.

John Ferris adds that the reporting structure needs to be clear.

Jeff Chase expresses concern about the longevity of the existing structure, commenting that the present structure relies on the existing staff's abilities to work together.

Alderman Patzer comments that he sees this as a stream line process, cutting some of the bureaucracy. Adding that if it were a business it utilizes the assets to the optimum.

Jeff Chase comments that conflicting priorities may become a problem.

Alderman Wysocki expresses concern about the workload that this would add to the role of the City Engineer.

Jeff Chase explains that this is not a hit the switch operation. The utility will evolve over time until it is at 100% and that this will require the addition of staff and equipment over the five-year period.

Alderman Patzer likens the evolution to a baby, commenting that you must crawl before you walk and that through the evolution we will encounter pitfalls and take action to correct, concluding that he is excited to see the utility evolve.

Alderman Wysocki agrees with Alderman Patzer but adds that he would like to see a structure that positions the Utility for success.

Alderman Patzer comments that we will encounter conflicts that we don't even know exist yet.

Alderman Wysocki reiterates his concern of the City Engineer's present works load. Alderman Wysocki then moves to the operation and maintenance.

John Ferris then discusses section 5.4 of the report. Summarizing it by commenting that the City already has a lot of activities that make sense but the new regulations will mandate activities such as inspection of storm sewers, catch basin cleaning, repair of storm sewers, ditches and streambank repair, and because for the most part these maintenance activities have been neglected the City has created somewhat of a backlog.

Alderman Wysocki responds that this backlog has been created due to the City's responsiveness only being reactionary.

Jeff Chase agrees adding that we need to adopt better strategies for maintenance not just a reactionary approach.

Alderman Wysocki adds the demand will increase as we adopt new standards.

John Ferris replies that the City will need to set reasonable goals and priorities based on previous years work load.

Alderman Wysocki asks what new maintenance requirements might involve.

Jeff Chase responds some discretionary maintenance will be mandated, street sweeping, catch basin cleaning, and streambank repair.

Alderman Wysocki asks if new laws will be required to perform streambank projects in areas that are problematic and the City does not have an easement.

Jeff Chase replies that the laws already exist, adding that if the City wants to get to some of these areas right away then we need to acquire easements because currently it is the home owners responsibility to care for these streams if the City does not own the land.

Alderman Wysocki asks about future maintenance requirements to detention ponds.

Jeff Chase replies that for new developments the responsibility is with the home owners association and that this is a good practice to keep in place.

Alderman Wysocki asks about ponds such as NP-1 or SP-2.

John Ferris responds that the City will need to maintain these regional facilities, but because they are relatively new that not much maintenance will need to take place over the first five years other than mowing.

Alderman Wysocki then asks about Lions Park, commenting that the last time that pond was dredged was 14 years ago, and asks if it may be time to dredge it again.

Chuck Boehm responds that detention facilities generally need dredging every 20 years.

Alderman Wysocki then asks if we take control of these facilities will we need access.

Jeff Chase responds the we don't intend on taking ownership of private ponds in subdivisions, reiterating that it is the homeowners association's responsibility.

Mayor Gatzke adds that for ponds constructed in conformance with the new ordinance the City already has those interests in place.

Alderman Wysocki asks if the ponds will be maintained to the City's standards.

Mayor Gatzke replies that they will and that if they are not the City has the authority to maintain the pond properly.

Alderman Wysocki is concerned about the dissolution of homeowners associations and if it happens who is responsible.

Jeff Chase responds that under the most recent developer agreements the City is in a better legal position for the long term. Older developments might be tougher, recommending that in the tougher cases the City maintain its position not to take possession of these private ponds.

Mayor Gatzke adds that we shouldn't assume there wouldn't be any problems, remarking that there will be strong pressure for the City to assume some if not all the responsibility of these ponds.

Alderman Wysocki then asks about the MMSD expenditures for watercourse improvements.

Jeff Chase replies that showing it on the table for storm water costs is an accounting exercise and that these are storm water related activities.

Alderman Wysocki asks if there would be any reduction in those charges if the City begins to implement some water course improvements on its own.

Jeff Chase responds that they are two separate programs and that there would not be any reduction in the costs.

Alderman Patzer then asks about the costs shown for Pond NP-1, commenting that his understanding was that the pond was to cost \$1.3 million as opposed to the \$1.9 million shown on the chart.

Jeff Chase responds that the costs are shown over a period of year including design, land acquisition, and construction.

Alderman Wysocki comments that the perception is that the utility focuses on one area of the City and asks if by proposing these projects does the City need to look at some other funding option to distribute the costs fairly.

Jeff Chase responds that the City will be divided into three district areas with unique characteristics. By doing so the City does position itself for changes by district if it becomes appropriate. Under the current proposal there are proposed programs in the areas that traditionally flood that will be costly, however, this is where most of the funding is being generated. Even though there are three proposed districts the funding generated in each district is about equal to the cost of the activities scheduled in each of the districts.

John Ferris comments that the driving force is the amount of impervious area and the rate structure is based on an ERU (the burden of an average single family residence) and that other types of property will be charged in multiples of ERUs.

Alderman Wysocki asks if this is a common policy.

John Ferris replies that 80 to 90 percent of communities are using this approach.

Alderman Wysocki asks if the City's profile is similar to other communities that Earth Tech has worked on and are using this rate structure.

John Ferris replies New Berlin's profile is similar to that of a county and that this approach has been used successfully.

John Ferris then comments on the issue of credits summarizing the point that credits will only be given when the result of a storm water practice will reduce the costs of the City's programs, concluding that no credits will be given by meeting the City's Storm Water Ordinance requirements.

Alderman Patzer remarks that properties that are required to have ponds or have ponds will be hit twice then.

Jeff Chase responds that meeting the Storm Water Ordinance criteria only prevents future problems that would result from new development, furthermore that there will be many more ponds throughout the City and that by giving credits in these situations will only benefit the new development.

Mayor Gatzke adds that under NR 216 permitting the City will need to meet an information and education requirement and that if the City's Schools were to have some sort of storm water education program we may consider this as an in kind service to credit their costs.

Alderman Wysocki makes a note that this language is included in the Storm Water Utility Ordinance and asks if the schools choose, may they claim it.

Mayor Gatzke clarifies that the credit is granted not claimed; adding that it is at the City's discretion where to give credits.

John Ferris adds that if the schools choose to do this it would be an avoided cost of education and therefore a benefit to the City, however, every type of education may not be eligible for credit. He then sites an example of a person who hold up a sign at a corner saying don't dump waste into the storm sewer and claims he or she educated the public and wants a credit to the storm water utility charges.

John Ferris then summarizes chapter 8 as a discussion of how to adjust costs fairly to distribute spending evenly.

Alderman Wysocki inquires about a typical monthly bill for a commercial property.

Mayor Gatzke calculates the average commercial property's monthly bill would be \$100.

Alderman Patzer asks if these costs are common throughout other cities and is concerned that this charge may be cause for industry to look at other cities for locating their business.

Mayor Gatzke responds that these storm water charges will be reflected in the reduction of taxes.

Alderman Wysocki expresses concern over the reaction in the business community and asks what the proposed structure is.

Jeff Chase responds that a single family residential unit will be charged 1 ERU, duplexes will be charged 1.4 ERUs, and all other property, multifamily, condo, industrial, commercial, tax exempt, will be charged on impervious surface. In the case of condos the charge will be the impervious area of the condos and common areas divided by the number of units and each unit will receive a bill for its portion.

John Ferris then discusses chapter 9. He discusses the costs are based on last years costs and they are projected out over 5 years adding 4% inflation and proposed maintenance and project costs, including phasing in new equipment.

Jeff Chase comments that the ordinance is what will be acted on, and that the report merely supports the contents of the ordinance.

Mayor Gatzke notes that the City Attorney has recommended that the City adopt only one ordinance and that he is concerned about including the rate in the ordinance.

Jeff Chase adds that there are no changes to the second or revised single ordinance it still calls for three districts, 3 funding options, and a rate of \$5.00 per month for a single ERU.

Alderman Wysocki asks if it would be good public policy to have another public hearing due to the melding of the two ordinances into one.

Jeff Chase replies that the contents of the ordinance has not changed and that the City has held two public hearing, that a public outreach program has been on going that has spoken to community interest groups and businesses.

Motion by Mayor Gatzke to present the second ordinance to the Common Council for discussion.

Second by Alderman Patzer

Alderman Wysocki reiterates his concern as to the structure of the administration.

Upon Voting Motion passes unanimously.

Item three – Storm Water Utility Financing Proposal

Mayor Gatzke begins discussion by summarizing his proposal. In the plan the Mayor identified the \$750,000.00 in revenue generated by Midwest Power to offset the cost of storm water utility charges evenly among each of the roughly 12,500 parcels in the City.

Alderman Wysocki expresses concern that the revenue will not be available for two years and that by doing so we would bind future Common Councils.

Mayor Gatzke replies that the wording of the proposal would need to be such that it would be protected from any future changes.

Alderman Wysocki asks if the money had been previously earmarked for other spending.

Mayor Gatzke replied that he had consulted with other department heads and residents, however no suggestions were proposed.

Motion by Alderman Patzer to adjourn.

Second by Jeff Chase.

Motion passes unanimously meeting adjourned 3:29 P.M.