



# City of Waupun

201 E. Main  
Street

WAUPUN,  
WISCONSIN  
53963

Phone: 920-324-7900

Fax: 920-324-7939

*Wild Goose Center of Wisconsin*

Waupun Board of Public Works  
DRAFT Minutes of Regular Meeting  
Tuesday, October 8, 2013

The Waupun Board of Public Works met in regular session on Tuesday, October 8, 2013 in the City Hall Council Chambers with Chairman Bastian presiding.

Chairman Bastian called the meeting to order at 4:30pm.

Members present are Alderman Mike Johnson, Alderman Steve Bastian, Alderman Pete Kaczmariski, Public Works Director Dick Flynn, Deputy Chief Loudon, and City Clerk Angie Hull. No members are absent.

City Attorney VandeZande and Administrator Kyle Clark are in attendance.

Motion Loudon, second Kaczmariski to approve the minutes of the September 10, 2013 meeting of the Board of Public Works. Motion carried.

Trinity Reformed Church approached the Board on September 8 and October 16, 2012, in regard to cost sharing the resurfacing of their parking lot (estimated cost of \$73,595) due to continuous use by City vehicles and the general public. This was denied by the Board. Trinity Reformed Church appears before the Board again to request the City pay for a portion of the asphalt for paving the parking lot. As the parking lot was to be resurfaced, Flynn suggested this would be the time to have the storm sewer inspected. The storm sewer was found to be failing and needed replacement. Upon replacement, the City would fill the trench with gravel and leave it settle until next year at which time the City would asphalt that area at a cost estimate of \$2,250.00. Trinity Reformed Church requests, since they will be resurfacing the entire lot, the payment of \$2,250.00 to be issued to them as the City's construction would need to be dug up.

Motion Kaczmariski, to authorize the payment of \$2,250.00 to Trinity Reformed Church. Discussion was heard. There is no second to the motion and Kaczmariski asks to revise his motion.

Motion Kaczmariski, second Johnson to pave the storm sewer construction area with Cold Patch and issue a check for \$2,250 to the paving company for resurfacing next year. Motion carried.

Discussion was heard regarding Street Opening Permits and the violation or fine a contractor and/or resident receives if the permit is not obtained. Attorney VandeZande and Flynn will work together on a draft ordinance to bring before the Board at a future meeting.

Motion Louden, second Bastian to table the discussion of Street Opening Permits until a future meeting. Motion carried.

Discussion was heard of the parking congestion on West Jefferson Street during church services at the First Christian Reformed Church. Membership appears to be parking on both sides of the street instead of the parking lot. As this is a narrow street, it does hold a safety hazard.

Motion Bastian, second Hull for Flynn to issue a letter to the First Christian Reformed Church informing of the concerns of parking in the streets and request for their membership to park in their lot if possible. Motion carried.

Louden speaks of the extending the bus parking an additional forty (40) feet on the west side of Beaver Dam Street at the Meadowview Elementary School. This will provide for one additional bus space.

Motion Flynn, second Johnson to extend the bus parking an additional forty (40) feet on the west side of Beaver Dam Street at the Meadowview Elementary School. Motion carried.

Bastian comments on the issues and complaints of the parking during soccer at Medema Fields.

Bastian has received complaints in regard to yield signs on some of the side streets and they wish for them to be changed to stop signs. Louden states there have been more accidents lately. Louden will bring stats from the accidents related to the yield signs for discussion at the next future meeting.

No public comments are heard.

Motion Johnson, second Kaczmariski to call the meeting adjourned at 5:35pm. Motion carried.

Angie Hull, City Clerk

# Farmers Elevator Company LTD.

Feed, Fertilizer, Seed, and Petroleum Products  
2 West Main Street, Waupun, WI 53963  
Phone (920)-324-3593 • Fax (920)-324-3261

11/01/2013

To the Board of Public Works,

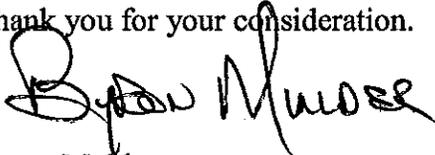
I am writing to appeal the decision of the Director of the Stormwater Utility regarding our request for a stormwater credit for the Farmers Elevator Co. property at 1350 West Brown Street.

The study conducted by Stormwater Solutions Engineering of Milwaukee shows a 71% reduction of stormwater flow from the Farmers Elevator property to a waterway which eventually enters the City of Waupun Stormwater Utility system. The 71% reduction of water flow would reduce the Stormwater Utility monthly charge by 53.38% based on the formula presented in the application for credit. If the credit were granted, the current monthly charge of \$296.58 would be reduced to \$158.31. It should be noted that all runoff from the Brown Street property flows onto agricultural land, bordered on the opposite side by the aforementioned waterway.

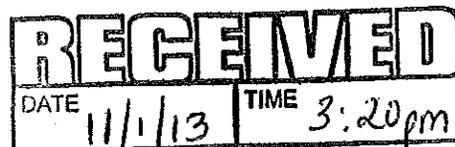
Although the reduction of runoff occurs primarily on the agricultural land adjacent to the Farmers Elevator property, 71% of the runoff from a 10 rainfall event never the less does not enter the city's stormwater system. Furthermore, I would ask the board to consider how much runoff might or might not reach the city's system outside the parameters of a 10 year event. Although Stormwater Solutions Engineering did not evaluate runoff reduction for a lesser event, it would be expected that the same amount of water would be retained by the agricultural land adjacent to the Farmers Elevator property and little or none of the lower amount of runoff generated by a lesser event would ever reach the stormwater system.

I believe a 75% credit would not be out of line based on the amount of water that actually enters the stormwater system but based on the Stormwater Utility formula for credit, 53.38% is what we had originally requested.

Thank you for your consideration.



Byron Mulder  
General Manager, Farmers Elevator  
324-3593



## Marshland Pet & Lawn

16 commercial St., Waupun • 324-5761



City of Waupun  
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"Wild Goose Center of Wisconsin"

## CHAPTER 24 - STORMWATER UTILITY

### 24.07 - APPEALS PROCESS.

(1) Within 30 calendar days after the date of mailing the Director's decision, the customer may appeal the Director's decision to the Board of Public Works by filing a written appeal with the City Clerk. The written appeal shall specify all grounds for the challenge and shall state the amount of stormwater charge that the appellant considers to be appropriate. The appeal must specifically address the Director's conclusions and not merely repeat the bases for the initial request. Failure to timely and properly appeal shall deprive the Board of Public Works of jurisdiction to hear the appeal.

(2) The Board of Public Works shall conduct a formal hearing at such time and place as designated in a hearing notice to the appellant, providing a minimum of 5 business days notice to the appellant. In considering an appeal, the Board of Public Works shall determine whether the stormwater charge is fair and reasonable. The decision shall be based upon the evidence presented at the hearing. The Board of Public Works shall notify the appellant in writing of its determination by first class mail addressed to the individual at the address listed within the appeal. Service is conclusive upon mailing.

(3) Within 30 calendar days after the date of mailing the Board of Public Works' decision, the customer may appeal the Board's decision to the Common Council following the process set forth in sub. (1) of this section. Failure to timely and properly appeal shall deprive the Common Council of jurisdiction to hear the appeal.

(4) The Common Council shall consider the appeal in the same manner as a new resolution, pursuant to its rules for procedure in existence at the time of consideration. The City Clerk shall provide written notice no later than 5 business days to the address listed within the appeal of the time and place of the Common Council's consideration of the appeal. In considering an appeal, the Common Council shall determine whether the stormwater charge is fair and reasonable. The Common Council shall base its decision upon the information presented at its meeting. The City Clerk shall notify the appellant in writing of the Common Council's determination by first class mail addressed to the individual at the address listed within the appeal. Service is conclusive upon mailing.

(5) As a condition precedent to any adjustment or credit request, or any appeal, a customer must have paid in full all stormwater charges to the City.

(6) If an adjustment request is granted, stormwater charges shall be adjusted on a going forward basis.



# City of Waupun

201 E. Main Street  
WAUPUN, WISCONSIN 53963  
Phone: 920-324-7918  
Fax: 920-324-7939

*"Wild Goose Center of Wisconsin"*

To: Byron Mulder  
From: Richard W. Flynn, Director of Public Works  
Subject: Stormwater Credit for 1350 W. Brown St.  
Date: October 2, 2013

Mr. Mulder,

This letter is to inform you that your Stormwater Credit application dated September 17<sup>th</sup>, 2013 has been denied. The property owner needs to demonstrate that the condition or activity on the property results in a direct reduction in cost for the stormwater utility services. The credit applies to all properties that provide privately constructed and maintained runoff flow control measure.

I have attached a memo from our engineering firm on this matter also.

If you have further questions please contact me.

Dick Flynn  
324-7918



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## MEMO

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**To:** Dick Flynn, Director of Public Works, City of Waupun  
**From:** Eric Thompson, P.E.  
**Subject:** Farmers Elevator Company Storm Water Utility Credit Application  
**Date:** October 02, 2013

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### Introduction

Farmers Elevator Company submitted a Storm Water Utility Credit application with a certification date of September 17, 2013. A Stormwater Drainage Analysis dated August 27, 2013 containing technical data supporting this application, prepared by Stormwater Solutions Engineering, LLC, was included with the application.

The application does not indicate which type of credit is being applied for, however, review of information attached to the applications suggests that a 'Non-Residential, Flow Control' credit is sought.

### Basis of Credit Application

The stormwater report refers to an 'existing condition near the [Farmers Elevator Company] property' that causes a reduction in peak flows from the property. The report identifies a small strip of dense weeds and brush at the south property line which provides a minimal slowdown to the runoff (0.01 cfs, or 0.2% of 10-yr peak flow conditions) but that a natural depression in the agricultural land immediately south of the site and a subsequent grassy strip, also south of the site, provide approximately 71% reduction in 10-yr peak flows (note that the table presenting the flow reduction data identifies a 2-yr runoff condition, but the text below refers to a 10-yr condition, it was assumed that the table should be properly labeled 10-yr as that is the requirement of the credit application).

### Discussion

The City's stormwater Utility Credit Policy, Section I. Purpose and Scope, provides very specific guidance regarding the range of practices which are eligible for credits. Specifically, this section of the document states;

*"Credits to user fees will only be allowed when it can be demonstrated by the customer that a condition or activity on the property results in a direct reduction in costs for Stormwater Utility services."*

The underlined text is particularly critical to the eligibility of the current credit request. The stormwater calculations document a reduction in peak discharges from the site achieved through an existing natural stormwater detention area that is not located on the applicant's property.

### Recommendation

It is recommended that the stormwater utility credit application be denied because the 'management practice' providing the peak flow control is not located on the applicant's property and does not satisfy the stormwater utility credit eligibility requirements.

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Offices in Illinois, Iowa, Minnesota, and Wisconsin

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**ORDINANCE # 13-07**

AN ORDINANCE TO AMEND CHAPTER SEVEN OF THE MUNICIPAL CODE OF THE CITY OF WAUPUN ENTITLED "STREETS AND SIDEWALKS."

THE COMMON COUNCIL OF THE CITY OF WAUPUN ORDAINS:

SECTION 1: Section 7.05 of the Municipal Code of the City of Waupun entitled "STREETS AND SIDEWALKS EXCAVATIONS AND OPENINGS" is amended to repeal and recreate subsection (1) as follows:

(1) PERMIT REQUIRED. (a) No person shall make, direct or cause to be made any excavation or opening in any street, alley, highway, sidewalk or other public way within the City without first obtaining a permit from the Director of Public Works.

(b) Except as otherwise provided here, the City shall charge an application fee of \$15.00 for each permit issued under this section. A permit shall be required but no permit fee shall be charged if the permit is obtained pursuant to an order of the City of Waupun requiring sidewalk replacement or reconstruction. A permit shall be required but no separate or additional permit fee shall be charged if the permit is issued in conjunction with a building permit where the excavation or opening is ancillary to the project for which the building permit is issued.

(c) Any person who violates any provision of this section shall be subject to the forfeiture provisions identified in Section 18.04 of this Code. In addition, any contractor who makes an excavation or opening in violation of this subsection without first ensuring that the appropriate permit has been issued shall be subject to the forfeiture provisions identified in Section 18.04 of this Code.

SECTION 2: All ordinances or portions of ordinances inconsistent with the provisions of this ordinance are repealed.

SECTION 3: This Ordinance shall be in full force and effect on its passage and publication as provided by law.

Enacted this \_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Jodi Steger  
Mayor

ATTEST:

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Angela Hull  
City Clerk