

**VILLAGE OF WALWORTH
SPECIAL VILLAGE BOARD**

Monday, September 16, 2019, 6:00 p.m.
Village Hall, 227 N. Main St., Walworth, WI

MINUTES

Call to Order: President Connelly called the meeting to order at 6:05 p.m.

Roll Call: Present: President Tom Connelly, Trustees Louise Czaja, Kristi Reiersen, Pat McMahon, Dan Mizialko, Randy Maynard. Absent: Trustee LeRoy Nordmeyer. Also Present: Attorney Brad Lochowicz, Police Chief Milligan, Fire/Rescue Chief Austin, DPW Boss, Clerk Treasurer Waswo, Deputy Clerk Treasurer Rogers, Village Engineer Mark Kolczaski (Baxter & Woodman)

Present in Audience: Jennifer Straus, Jeff Brower, Diana Brower, Bernardo Hernandez, Adrian Hernandez, David Hernandez, Georgina Nara, Tracey Scott, Ham Dowden, Josh Nelson, Art Grant, Pattie Hankes, Carie Ruhl, James Ekman, Jan Hackman, Linda Frankenberg, David Austin, Caitlin Dowden, Jack Shoger, Elizabeth Lochner-Abel, Jerry Brennan, Eusebio Sanchez, Dean Abel, Holly Carlo Obligato, Caroline Racky, Kevin Racky, Ulysses Sanchez, Amanda Price, Josh Staggs, Butch Schutt, Linda Schutt, Annette McNamara, June Mulvenna, Barb Paulson, Sue Walstra, Julie Ekman, Rich Cairnes, Ethel Mae Cairnes, Harold Depew, Chris Depew, Ali Dowden, Steve Dowden, George Hickey, Karen Falcone, Gary Rhines, Beth Jurgensen, Marlene Kass, George Kass, Patrick Grams, Kelly Freeman, Nathan Hagan, Peter Kahl

Pledge of Allegiance

Comments from Citizens Present: Any item presented to the Village Board by a citizen will be heard and may be placed on the next regular meeting's agenda. None.

Communication and Miscellaneous Business – Discussion, Consideration, and Action on the following:

Flooding Issues in the Village

President Connelly stated looking at the broad picture, we have had more complaints about flooding this year than any other single item. There has been flooding all throughout Walworth; Howard and Bonito Street, Randolph Street, Devil's Lane and Oak Knolls being the largest hit. He presented a picture of Big Foot Farms flooding from 1973. He showed a drone view of the flooding and areas leading up to the flooding. Walworth has had flooding in 1973, 1993 and June of 2000. There were various smaller incidents about every 3 to 5 years. President Connelly presented drone video of the flooding.

We had a lot of rain from Wednesday, September 11 night to Thursday, September 12 morning. Trustee Czaja went to the access road on Thursday at 2:30 p.m., and there was no water flow. All the signals the village uses to gage if we need to respond were not there, there was nothing active. It wasn't until the next rain on Thursday evening and early morning Friday, September 13 that Lake Petite had enough and starting moving water. President Connelly showed video of the flow on Saturday over the road. They estimated it was about 60 to 70 feet wide and 18 inches deep. When Bob Stewart drove out there on Friday he estimated 15 to 20 gallons per minute. President Connelly noted the rippling of the water behind Jack Shoger's house was the heaviest flow. That is where they placed the pump. They were trying to get water out before it even came in. Connelly lives in Oak Knolls. There was flooding one month after he moved into his house with 4 feet of water in his front yard. Connelly feels it's time to do

something and is recommending the Plan Commission look at the village-wide stormwater system. He explained the water flow of the east-west swale that goes behind the high school and out Highway 14. Plan Commission went back to the High School and asked them to re-engineer the water flow. They added two big box culverts, which helped tremendously. His feelings are this Board and Plan Commission need to look at a solution. We will have to borrow funds which will increase taxes. He suggested a 20 year note of 1.5 to 2 million. Village Engineer Kolczaski will work with us and provide suggestions to the board. In addition, we will also look at the problems on Randolph Street and Howard and Bonito. President Connelly opened the floor for residents to speak.

Steve Dowden, 938 Laurie Court, has been a Walworth resident since he was 7. He lives on Laurie Court and was not impacted as much as others as he bagged around his house early. Luckily, he did not have water in his house. Although his neighbors did, and their basements are ruined. Oak Knolls residents met last night regarding this issue. Steve presented their concerns. They understand this happened quick. President Connelly attended the meeting and did offer some solutions. They felt they were semi-heard but not with the whole board. He estimated that more than 150 houses were affected from this flood. It flooded on Laurie Court, but it has been flooding on Bennett Court all year, all times of the year and for the past several years. They are disappointed the village had not done anything to help those people. He stated the village knew it was a problem but did not have sandbags on hand. They did see village board members walk around on Saturday morning through the cul-du-sacs and offer to help. They did appreciate that, but felt it was a day late and a dollar short.

A family on Laurie Court organized sandbags and sand to be dropped off. This was a residential community effort to help each other. On Saturday at 2:20 p.m. they received the first load of sandbags from the village. They appreciated it but again, houses were already getting water. They felt the village really dropped the ball. Thankfully Saturday only got a little rain. Residents were up all night Friday and Saturday to make sure the pumps were working. Sunday was the start of the cleanup, tearing out carpet, drywall, and moving furniture out with the help of volunteers.

They held an impromptu meeting at the end of Laurie Court and have questions they want on record. They agreed the Village let them down and had an inadequate response time. We knew the rain was coming and there still wasn't anything done. I understand there were a lot of important people in our community out of town; the Fire Chief and Police Chief were at training. He questioned what the plan should be when they are gone, what number should they call. What happens next time when it's an emergency such as a tornado. We cannot have a response time of 30 plus hours. President Connelly stated to absolutely call 911 as it is life threatening when water is over the utility boxes. He understands they categorized the response as inadequate. The village did not have sandbags on hand. He feels it was a perfect storm with the staff being at emergency management training. Steve stated Laurie Court has flooded many times before and questioned why the village had not responded to all the times it flooded before.

Bill stated his ex-son-in-law was one of the builders of that subdivision. He moved in in 1999. The village at that time assumed responsibility for the water flow in Laurie Court. He questioned why all these years it has been kicked down the road. Connelly stated he can't answer for previous board members. This board has been the most proactive to find solutions to this issue. The 2008 letter from our engineer mentioned the cheapest option would be to purchase a pump. We have purchased a pump, but it will not be here until later this year as they are in high demand. We have worked with the high school, cleaned up Jack Kozar's property, and looked at the pipe by Haeni's house. We also have to keep in mind Peterson Farms. He can't answer why previous boards did not respond. He and Trustee Czaja are both digging into this. They are back to 1991 and getting an idea of the history and why some decisions are made. This board is focused on making the situation better.

Jim Long stated this was a true flash flood. Flash floods are very unpredictable. Based on previous times this has happened, it is always Lake Petite overflowing its banks. If you take Lake Petite out of the equation the retention pond would be big enough to hold the subdivisions water. Lake Petite is at the highest level it has been in 50 years. All the overflow ponds are full. There are no levies that broke. It is full and it is going over its banks. The subdivision is a dam for Lake Petite. The fix is storm sewer pipes to outlet the water. Past floods have been because of the lake overflowing. This was a true flash flood. He agreed the response was inadequate. The only way you can get emergency services is to start with 911.

Liz Lochner, 912 Bennett Court, has been living at her property since 1996. She has seen various times it has flooded. It's never been like this. It has come up many times but this year we are saturated. We have been in a drought for many years and feel we have become complacent with the retention pond. This year it did not empty completely from last fall. This is an unusual year, however; the flooding does happen on our properties. It has hit the Lauterbach's house in 2000 and 2008 and has hit the Hernandez's house several times. She said we need to get the storm sewer pipes out there to alleviate that. This needs to be the priority. She understands we have to levy, and taxes will go up. Her issue is this was discussed with the board in 2000 and 2008. We are hoping this board follows through. President Connelly stated the village will be sending out letters asking for information from all the residents. The Walworth County Emergency Management Director has pointed us in the right direction. The village will make a submission, but that is not a guarantee we will get a payout from FEMA. There is a State Disaster Relief Fund, we will be making that application for you all as well. He stated you can still get flood insurance in a flood zone but it's very expensive.

Pat Graham, 932 Laurie Court, has about 12 to 15 inches of water in his basement. In 2008 FEMA posted a notice on his door. President Connelly noted in 2000 a FEMA application was made. He knows the village received \$10,000 which was disbursed to residents. Based on all the flooding that has happened in the United States, FEMA will make the determination if we qualify.

Josh Staggs questioned if the engineering standard is based off a 100 year flood. Mark stated yes, normally storm water management systems are designed to collect water up to the 100 year storm and there is typically an overflow. For whatever reason this basin does not have one. If it rains hard, 8 inches over a 24 hour period, the system is not designed to handle large flooding. Josh hopes the board will require the engineer to overbuild the system. Additional factors are all the drain tile the farmers are putting in. If we know the standard isn't meeting our needs, we have to over engineer it. President Connelly stated he inherited the approval process for Shodeen and the Pines of Big Foot. It was approved preliminarily before he became a board member. We doubled the requirement so it's a 200 year event, 200% greater than the standard you just mentioned. This was discussed in a letter back in 2000. Storm water runoff should always be talked about when annexing land. Certainly, you could make the argument that the land should not have been annexed in, knowing what we knew about Oak Knolls and the problems we are having.

Diane Brower asked if the Pines of Big Foot has been required to have an overflow and is there an overflow from the Oak Knolls retention area. If there is not, it will all flow into Oak Knolls. Engineer Mark Koleczaski stated from his understanding there was a pipe that was put in, but not finished. He does not know the history of that. She questioned if there is an overflow from the Pines of Big Foot that does not come into the current Oak Knolls retention pond. President Connelly was not able to speak to that plan without having it in front of him. Diane stated she looked at the plan and she doesn't think they do. That will add to the problem. This is priority because it is so frequent, you are having homes damaged. When she looked at the Pines approval, the only outlet was for the sewers, not the stormwater. There is no outlet to the retention ponds. Connelly noted there are basins engineered at twice the size than what those developments require. When a developer submits the plan, they do the planning, engineering, and

stormwater management plan. The village engineer's responsibility is to review it and the board's responsibility is to approve or disapprove. It has been approved. What we were left to do was to raise that threshold to a 200 year flood. Kolczaski stated the over sizing upstream was intended to help Oak Knolls. Once those ponds reach the overflow, above the 200 year event, the natural flow of water would be to the west, towards Oak Knolls. Josh Staggs urged the board to work with the engineer and not wait for the Pines of Big Foot to develop. President Connelly agreed.

Steven Dowden stated we are not going to fix anything tonight. We know there are dumpsters on Bennett and Laurie Court. He questioned the other clean up that is necessary. We are keeping our sandbags there for now but questioned what to do with them when it's time to remove them. President Connelly stated individual residents should work with Public Works to remove those sandbags.

Attorney Lochowicz left the meeting at 6:55 p.m.

David Hernandez spoke on behalf of his family. They are very upset that they had to deal with water in their house to begin with. He questioned how the Village is going to protect the value of their homes if they are unable to do the project. What will happen to the homes if the Village cannot get a loan. Will they receive funds to flood proof their house. They have a walk out basement and over the past year they have had 4 floods reach inside their home. One of the first two times President Connelly came into their home and stated the contractor built these walk out basements illegally. He questioned what they are to do about that, and should the contractor be held responsible. Connelly believes this is a civil matter. This board is more focused on moving forward and finding solutions versus placing blame. If an individual homeowner wants to go that route, they should find out who their builder is, look through the records and file a civil suit. They should not expect the Village to pursue damages against the developer. FEMA or the State Disaster Fund are the organizations that will help with damages to your home. There is no guarantee of reimbursement but that is the process that is in place for emergencies.

Diane Brower asked if there is any way the Village can pump before the houses flood. She asked if it can be done sooner. Connelly stated yes, theoretically with the new pump that we have ordered. The current outflow pipe at the bottom of the retention basin makes a climb to Ridge Road and ends in a manhole. By the time the water level reaches a point where we can effectively pump, the Hernandez home is already taking on water, and it is within inches of Paul Lauterbach's house. I know that is something that DPW Boss has discussed; having enough hose will allow us to do that. Engineer Kolczaski stated the pond should be kept as low as possible to give the village time to react. Boss stated where the pump is sitting right now is as close as we can get. We have a stormwater easement between Diane Brower's house and the Hernandez house. Josh Staggs suggested running the hose through the culverts like the farmers do. Connelly stated that is what we did in 2008.

Pat Grams asked if they could have a secondary backup, something that is automatic and not complicated. Lift stations can go out too. You almost need more than one outlet so that you can handle it. Connelly noted one of the things mentioned in the 2008 plan is putting a lift in the capped manhole by Jim Long's house. Diane Brower stated but that is built too high. Connelly replied correct, it only would kick on when something gets there, but this would be in combination with something at the bottom of the retention pond.

Steve Dowden stated at the meeting last night they discussed how the Village will prevent this in the future and the response time. He hopes this items goes to a future meeting for discussion. Residents are requesting reimbursement for the sandbags they had to purchase. He hopes the board members went out and saw what a wonderful community Walworth is. He requested that next time we send off important people in the village that we call a neighboring community for assistance. This is not your fault, but it is your responsibility to fix it.

Jim Long stated spending 1.5 million will be a significant fix. He asked what a good timeline is for a significant fix. Connelly stated the first step is having the engineer review the plans, revise, and make recommendations for the budget. Engineer Kolczaski said a 1 year timeline sounds reasonable to complete the study; however, financing is a big component.

Diane Brower asked before the solution, is the board committed to having a pump ready to go so a quick response in place. Connelly stated that is where the board is working with the Fire Chief, Police Chief and Public Works Director, to have that plan in place. Our County Representative, Sue Pruessing, called and is aware of the situation. She can also help and is well connected with the farming community. The Engineer's goal is to provide a work order at the October board meeting.

Tracey Scott asked how we can get our area designated as a floodplain. Connelly is just starting the research on that. In 2008 the board started the process but did not finish it. Diane Brower asked about Public Works helping people pull carpet and drywall. Connelly stated the village would not do that as it would be setting an expectation we are unable to meet.

Residents left the meeting at 7:24 p.m.

President Connelly has met with the Fire/Rescue Chief, and Police Chief, to come up with a plan to deal with this before we have a permanent solution. The amount of water that came that quickly is not something that anyone can be prepared for. This type of flash flood was so intense it really tested us. Trustee Czaja commented this should be a priority for the Planning Commission.

Resolution 2019-6, a resolution to ratify, alter, or appeal the Proclamation declaring a State of Emergency in the Village of Walworth. Friday morning was bad. Connelly has lived there 20 years and never seen it happen that fast. The proclamation was to declare an emergency, which allows the village to go after State and Federal funds for those affected. It gave the village authority to make alterations to the traffic pattern. The board discussed changing the wording in the resolution to correct the rain dates to the 11th, 12th and 13th.

Connelly/Czaja motion to amend the resolution to change the first whereas stating the torrential rain on the 11th, 12th, and 13th day of September. Motion carried 6 to 0.

Maynard/McMahon motion to approve Resolution 2019-6. Motion carried 6 to 0.

Ordinance 2019-3, an ordinance to amend the Comprehensive Plan on Tax Parcel VWP 00067, 305 S. Main Street from Two-Family/Townhouse category to Neighborhood Business category
McMahon/Maynard motion to approve Ordinance 2019-3. Motion carried 6 to 0.

Petition for a Rezoning Map Amendment filed by Rachel West to amend the Zoning Map, Tax Parcel VWP 00067, 305 S. Main Street from R-1, Single-Family Residence District to B-4, Neighborhood Business District in order to allow for commercial signage
McMahon/Maynard motion to approve the petition for a rezoning map amendment for Rachel West. Motion carried 6 to 0.

Fire/Rescue Bylaws

Connelly/Maynard motion to postpone until October's regular meeting. Motion carried 6 to 0.

Fontana/Walworth Water Pollution Control Commission, Village of Fontana and Village of Walworth Joint Resolution No. 2-19, Authorized Representative Resolution Requirement for the Wisconsin Clean Water Fund Loan Application Water Pollution Control Facility Phosphorus Removal Modifications Project. This is a joint agreement with Fontana and Kikkoman to build on to the sewer plant for the purpose of reaching a target the DNR set for phosphorus. This joint resolution authorizes our secretary at FWWPCC to be the communication point in this process.

McMahon/Maynard motion to approve Fontana/Walworth Water Pollution Control Commission, Village of Fontana and Village of Walworth Joint Resolution No. 2-19. Motion carried 6 to 0.

Fontana/Walworth Water Pollution Control Commission, Village of Fontana and Village of Walworth Joint Resolution No. 3-19, Reimbursement Resolution Requirement for the Wisconsin Clean Water Fund Loan Application Water Pollution Control Facility Phosphorus Removal Modifications Project. This explains the estimated costs of \$3,200,000. Fontana, a 49.7% stakeholder, will need to come up with \$1,590,000. Walworth's share is 22%, \$704,000. The engineer, Strand Associates, presented to FWWPCC and stated with the village's demographics and median standard income, he predicts Walworth will get half of the costs covered by granting. This brings our portion to approximately \$350,000. That is a Utility item, separate from General Fund, thus does not require a tax levy increase. To meet the standard without using the point system set in place by the DNR would be over 7 million dollars and \$350,000 per year just to maintain. This is much better. Trustee Czaja asked if we normally involve our Village Engineer. Connelly feels the responsibility is with FWWPCC. Engineer Kolczaski stated this has not been done in the past. Their engineer provided 3 sets of bids and FWWPCC went with the least expensive. Czaja noted we have not seen any of their reports. Connelly replied we are provided the minutes of their meetings. He is comfortable with their board, engineer, and their attorney working on our behalf. McMahon and Maynard felt the same.

Maynard/Mizialko motion to approve Fontana/Walworth Water Pollution Control Commission, Village of Fontana and Village of Walworth Joint Resolution No. 3-19. Motion carried 6 to 0.

Fontana/Walworth Water Pollution Control Commission 2020 Budget

Connelly noted items shifted in their budget. The phosphorus mitigation compliance expense has been moved and funds were moved from mitigation expense over to administrative to cover new computers. The overall net change was 1% from last year.

McMahon/Mizialko motion to approve the FWWPCC budget. Motion carried 6 to 0.

Wolf Paving Street Work Proposal to possibly repave sections of Fairview Dr., S. Randolph St., Plafield Court, and Pecks Court

Borrowed funds from 2018 have been carried forward for this project. The Pecks Court estimate is not correct. We do not have enough money for all the projects. DPW Boss would like to see Fairview and Plafield Court repaved.

Czaja/Maynard motion to approve paving Plafield Court, Fairview Drive and a patch on Pecks Court not to exceed \$10,000.00.

Czaja/Maynard motion to rescind prior motion. Motion carried 6 to 0.

Czaja/Maynard motion to approve the contract with Wolf Paving for \$12,970 for Plafield Court, \$24,965 for Fairview Drive and patch not to exceed \$10,000 for Pecks Court. Motion carried 6 to 0.

Adjournment

McMahon/Maynard motion to adjourn at 7:50 p.m. Motion carried 6 to 0.

Sabrina Waswo, Clerk Treasurer