

Department of Public Works

To: Chairman Arnett and Commission Members

From: Andrew Beyer, P.E., Director of Public Works/City Engineer

Date: August 20, 2025

Subject: Public Works Commission Meeting of August 26, 2025

Background

Review and take possible action: East haven Estates Stormwater Pond Ownership and Maintenance Request

The purpose of this packet is to request direction from the Public Works Commission on whether the City of Watertown should assume ownership and long-term maintenance responsibility for the East Haven Estates stormwater pond or reaffirm that responsibility remains with the private property owners. If City ownership is pursued, the Commission will also need to provide guidance on how associated costs should be funded – either through stormwater utility rates, special assessments to benefiting properties, or a combination of both.

The East Haven Estates subdivision includes a stormwater management pond constructed in the early 2000s to manage runoff from approximately 27 single-family lots. The pond was built as a required long term stormwater management facility to provide both water quality and quantity control.

The East Haven Estates pond is not part of a homeowners' association (HOA) and is not located within a dedicated outlot. Instead, the pond area is situated across a handful of private residential properties. Staff is not aware of a recorded maintenance agreement for the pond.

One of the property owners has submitted a request to transfer ownership and maintenance responsibility of the East Haven Estates stormwater pond to the City of Watertown. The property owner states that it is not equitable for only a handful of property owners, on whose parcels the stormwater pond is located, to bear the long-term responsibility for maintaining a facility that benefits the entire subdivision. A copy of this request is attached to this packet.

Current Conditions and Legal Guidance

- The stormwater pond is operational but requires more extensive maintenance at this point to remain effective.
- Routine maintenance needs include vegetation management, sediment removal, outlet structure upkeep, and erosion repair.
- Long-term maintenance tasks such as dredging may be necessary every 15–25 years.
- City Attorney's Office Guidance:
 - As the pond currently sits, maintenance responsibility lies with the handful of property owners on which the pond is located.
 - A stormwater facility must be owned by the City in order to move forward with the special assessment process for repairs made or facilitated by the City.
 - The City Attorney's office suggested that building permits for any undeveloped lots that share in the pond's maintenance responsibility may be withheld until pond maintenance issues are addressed.
- Unaddressed pond maintenance increases the risk of localized flooding and can compromise downstream stormwater infrastructure.
- Staff notes that there are a handful of similar stormwater ponds throughout the City that exist under comparable ownership and maintenance arrangements – stormwater facilities situated on several private residential parcels within larger subdivision developments rather than in dedicated outlots or under an HOA with no known recorded maintenance agreements.

Requests for Commission Consideration

If the Commission wishes to pursue City ownership of the pond, several procedural steps would be required:

- Creation of an outlot containing the stormwater pond through a certified survey map.
- Transfer of ownership of the newly created outlot to the City of Watertown.
- Approvals at the Public Works Commission, Plan Commission, Finance Committee and Common Council levels.
- Associated costs including preparation of the certified survey map, legal advertisements, and recording fees.

If City ownership is established, ongoing costs would include routine maintenance (vegetation control, outlet structure inspection, minor erosion repair) and long-term major maintenance (dredging, sediment removal, and structural rehabilitation).

There are currently 35 City-owned and 70 privately owned stormwater best management practices (BMPs) in the City. Routine maintenance is needed every few years, with more extensive maintenance and repairs occurring every 10-25 years. The Wisconsin Department of Natural

Resources (WDNR) Municipal Separate Storm Sewer System (MS4) Permit requirements and inspections assist in determining when maintenance is needed to ensure the BMPs function as designed during rain events.

Budget Goal

Maintains a safe and healthy community, with an eye toward future needs and trends

Financial Impact

If the City assumes ownership of the East Haven Estates stormwater pond, several categories of cost may be incurred:

- Initial Costs
 - Certified Survey Map (CSM) preparation to create an outlot.
 - Legal advertisements, recording fees, and transfer documents.
 - Staff and legal review time.
- Ongoing Routine Maintenance
 - Vegetation management (mowing, invasive species control).
 - Outlet structure inspection and repair.
 - Minor erosion and bank stabilization work.
 - Estimated annual routine maintenance cost: \$1,000–\$4,000 depending on pond conditions.
- Long-Term Maintenance
 - Sediment removal and dredging (typically required every 15–25 years).
 - Major structural repairs or outlet replacement.
 - Estimated dredging cost for a pond of this size: \$50,000–\$100,000 (dependent on sediment volume and disposal requirements).
- Funding Options
 - Stormwater Utility Rate Adjustment – spreading the cost across all utility customers City-wide.
 - Special Assessment – charging benefiting properties within the East Haven Estates subdivision.
 - Hybrid Approach – funding routine costs through utility rates while major capital expenses are specially assessed.

If the pond remains in private ownership, the above costs would continue to be the responsibility of the affected property owners. In this scenario, the City's financial impact would be limited to administrative oversight, legal review, and enforcement actions related to compliance.

Recommendation

Staff seeks direction from the Commission regarding whether the City should assume ownership of this pond or continue to hold the affected property owners responsible, consistent with the City Attorney's legal guidance.

- If the Commission supports City ownership, staff recommends initiating the process of creating an outlot and transferring ownership, with associated costs accounted for either by:
 - Adjusting stormwater utility rates to distribute the maintenance burden City-wide; or
 - Funding major repairs through special assessment to the benefiting properties in the subdivision.
- If the Commission does not support City ownership, staff recommends reaffirming that responsibility remains with the private property owners, that a maintenance agreement be drafted, signed, and recorded by all affected property owners, and that no building permits be issued for undeveloped lots until adequate pond maintenance is addressed, per the City Attorney's office.

Requested Commission Action

The Public Works Commission is asked to review the background, legal considerations, and ownership/maintenance requests outlined above and provide direction regarding the long-term ownership and maintenance of the East Haven Estates stormwater pond.