



Stormwater Commission Meeting Summary

Thursday June 16, 2016

Members Present: Fred Kudert, Steven Vinezeano, Chuck Ostman, Rich Wlodarski, Andrew Vitale, Thomas Powers, Mary Anderson.

Others present: Jeff Wickenkamp from Hey & Associates, Jack Grana Utilities Superintendent, The Stormwater Commission meeting convened at 8:00 a.m. in the Council Chambers at Village Hall.

March 23rd Meeting Summary: The Meeting Summary for March 23rd, 2016 were approved.

Old Business: The following topics were presented and discussed.

Cleveland Corridor Sewer Improvements Status

Cleveland 72" Storm sewer has been installed through the Forest Preserve and across Caldwell. Sanitary sewer separation on Cleveland is about half complete. The project is about 1 month ahead of schedule and is still scheduled for completion in Summer 2017. Unforeseen conditions include additional tree removal within the Forest Preserve and watermain was replaced at the Morton Grove Caldwell crossing. Further Morton Grove watermain conflicts at Harlem are expected. The project receives a credit for rubber boots as these are not required for storm sewer construction.

The communication plan for the project includes an e-mail list serve as well as a project webpage on Vniles.com.

Stormwater Master Plan Update – Scope document

Per previous committee discussions Staff worked with Hey and Associates to develop a scope of work for the stormwater programs update. Goals of the update would include reengaging with residents on stormwater issues, reprioritize projects, incorporating projects completed to date, documenting implement stormwater commission programs, and identifying projects to move forward to final design that provide the most benefit to the Village of Niles.

Jeff Wickenkamp indicated the update would be treated as a stormwater master plan and would document efforts across the four categories of stormwater mitigation implemented by the Village.

Commissioner Kudert felt the scope appeared to be reasonable. Jeff Wickenkamp indicated the analysis could include the Greenwood Proposal, previously identified Tier 2 projects, areas west of Milwaukee, and Maryhill etc. Chair LoVerde indicated that Seward and Oakton Court could possibly benefit from the Cleveland Sewer with a simple sewer extension, and could be a good candidate for shovel ready projects. The Stormwater Commission would transition to a working group format for the stormwater update process.

Flood Control Assistance Program

No funds were carried over for this Fiscal Year. Total payouts for the programs are \$1,558,000 for flood control reimbursement. This fiscal year \$50,000 is budgeted which would serve twelve home. Last year 32 homes applied, and 22 were approved. Approximately 473 homes have been served to date.

Update on Greenwood Stormwater Basin

Building will be empty at the end of June/early July. The goal is to shut down the building to the maximum extent possible. A presentation will be made to the board regarding the project stormwater benefits for the project.

New Business:

MS 4 Stormwater Management Plan

The Village holds an IEPA MS4 permit for our separate storm sewer area. The permit covers the operation of our separate storm sewer system in town. A requirement of the permit is the stormwater management plan including public outreach and education, public involvement, illicit discharge and detection, construction site runoff control, post construction runoff control, pollution control and good house keeping. The Stormwater commission is listed in the permit documents as an outlet for public outreach and education. The MS4 stormwater management plan was provided for informational purposes to the commission members.

ICMA Award

The stormwater relief program was submitted for recognition to ICMA. The Village was awarded Community Health and Safety Excellence Award. The stormwater commission deserves recognition for all of the efforts in relation to the work involved and is a leader in the nation.

Strategic Acquisition Opportunity Discussion

The Chair indicated that 7741,7744,7746 Oconto are already in the public meeting minutes from last week. The options available of condemnation, grant, etc should be discussed in open session. Executive session should only be used for discussion on a specific property and the source of funding to purchase a funding. The discussion of the options available for purchasing a property to the Village should be discussed in open session.

Staff clarified that a recent report in Journal that the Village was in negotiations on a specific property was inaccurate.

The commission reviewed previous steps taken to request buyout funds and study infrastructure solutions related to the 7700 block of Octono Ave. Previous applications for grant funds were rejected due to the benefit to cost-benefit ratio not being high enough. An infrastructure improvement solution was estimated to cost over 3 million dollars.

Some discussion was given to the fact that the County may lower the standard in the future. If buyouts using Village fund were to be considered a strict standard should be developed. The questions was raised regarding whether the Village would be liable for property value loss if they attempted to purchase property or provide information to a future buyer. It was noted that the realtor and seller have a responsibility to provide information regarding flooding history to buyers. However if a property is transferred to a bank or estate there is a potential loophole in the seller notification requirements that could happen. The Village staff indicated we often receive FOIA requests regarding flood history, which we routinely respond too. The Village has developed a 700 property GIS database of flooded homes which is provided to individuals who request it.

With regard to the property in question, it was agreed that it would be extremely unfortunate if a young couple purchased a home with known flooding issues. The Village should consider condemning or purchasing the property. The exact policy or requirements to achieve this goal are undefined. The liability of the Village proactively providing information on flooding was discussed but determined to be a legal question. The general opinion was the Village has no liability if a buyer does not contact the Village to inquire about flooding of a property. The option of condemning the property, appraisals, and purchasing using the storm water fund was considered. Jeff from Hey pointed out that the reason the item is on the agenda is the property in question is expected to come on the market and the opportunity for a strategic purchase opportunity exists. There is currently a risk that the estate may not be required to disclose the flood history, and the opportunity exists to pursue a stormwater solution instead via property acquisition. Consensus was to draft a proposed policy and have legal review the Village liability potential.

Public Comment:

Mayor Andrew Przybylo spoke regarding insurance requirements in relation to the Cleveland Sewer Project. In any construction there is the potential for damage to properties and insurance is carried for that purpose. With regard to claim resolution insurance coverage can take the form of actual replacement cash value or depreciated value. The Mayor inquired as to the type insurance carried by Bolder and if we should be providing a higher level of insurance.

Next Meeting Date

The date of the next meeting will be determined at the call of the Chairman.

The meeting was adjourned at 10:57 a.m.