

Agenda Report

Subject: **Stormwater Engineering Evaluation Program**

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Date: September 27, 2011

Issue

At the August 2, 2011 Council Meeting, following the July 22-23 flooding event, staff proposed to the Council a program that would enable property owners to obtain an engineering evaluation of drainage problems on their property, as well as suggestions for potential solutions to those problems. As outlined by staff, the program could include a site visit by an engineer, internal and external property inspections, and a flood risk reduction report containing recommendations to reduce the risk of flooding for a property owner. The property owners would then be free to act on the report as they wished, implementing some, all, or none of the recommendations. Staff also suggested that the Village could administer this program by competitively soliciting proposals from engineering firms to provide a standard property evaluation fee, which could be paid for in full by the Village, in full by the property owner, or some combination thereof.

After a brief discussion – at a late hour – the Council requested that staff provide additional detail on how a program could be administered, and how the Village could anticipate and manage any liability concerns associated with recommending improvements on private property.

Pursuant to the Council’s directive, staff has researched two similar programs in nearby municipalities, Wilmette and Glenview. Although both programs aim to achieve the same end result, *i.e.*, a property owner who possesses information on how to proactively address drainage problems that affect their properties, each program arrives at that point a little differently.

A discussion of the two programs follows, and Attachment 1 contains a detailed description of each community’s program.

The Wilmette Program

Wilmette takes a relatively “hands-off” approach, simply providing interested property owners with contact and cost information for several engineering firms and allowing homeowners to follow up as they choose. Because Wilmette has taken a relatively hands off approach, their staff does not have any data on how many property owners have availed themselves of the program, but their estimate is “just a handful”.

The Glenview Program

Glenview, on the other hand, takes a more active and involved approach to the issue. Glenview has negotiated a fee of \$800 per property for a complete engineering inspection, including a written inspection report. In addition to negotiating one single fee for an assessment, Glenview provides additional incentives for homeowners to participate in the program. First, the Village funds 50% of the \$800 inspection fee, payable up front, meaning the homeowner is only

responsible for \$400. Second, if the inspection results in recommended property improvements that require a permit, the Village issues a voucher good for \$200 off permit fees associated with constructing the recommended improvements. Glenview's program was implemented in August of 2010, and to date approximately 40 property owners have had inspections performed.

Liability Issues

Both Wilmette and Glenview also provide examples of how the Village could address potential liability should recommendations arising from the program prove ineffective, or cause unintended consequences elsewhere. Once again, the two communities take a slightly different approach, with each reflecting the different nature of their respective programs.

Wilmette's potential for exposure is liability is minimal, if not entirely absent. Consistent with the "hands-off" nature of its program, all Wilmette does is to provide a list of engineers who are licensed to perform the engineering services. The licenses are issued by the State, which establishes both the licensing criteria and the methods for determining how those criteria are met. In addition, Wilmette makes no recommendations: the individual property owners are the ones who screen the engineers and decide which of the firms, if any, they will use.

Because Glenview has screened and negotiated the pricing arrangement for the engineering services, it is more involved in the process, and therefore has a potentially higher exposure to liability. To address that exposure, the homeowners who apply for participation in the process are required to assent to the following indemnification provision:

INDEMNIFICATION AND HOLD HARMLESS. In submitting this inspection request, HOMEOWNER hereby agrees to defend, indemnify and hold harmless the VILLAGE, and all of its agents, board of trustees, officers, administrators, agents, and employees ("Indemnified Parties"), to the fullest extent permitted by law, from and against all claims, damages, actions, liabilities, losses (including economic losses), injuries, lawsuits, costs, expenses and liens, including but not limited to, reasonable attorneys' fees, relating to HOMEOWNER's participation in the PROGRAM. Any costs or expenses, including reasonable attorneys' fees, incurred by Indemnified Parties to enforce the indemnification obligations hereunder shall be borne by HOMEOWNER.

In addition, like Winnetka and most other municipalities, Glenview's professional services contracts include indemnification language to protect it against liability for the acts and omissions of the party that carries out the work specified under the contract. Following is the standard indemnification provision that the Village of Winnetka's Public Works Department includes in all consulting contracts that it administers. (The are similar provisions in all other service contracts.)

INDEMNIFICATION. Respondents to this RFP shall understand that the successful proposer shall indemnify and hold harmless the Village of Winnetka, its agents, and its employees against any and all lawsuits, claims, demands, liabilities, losses or expenses, including court costs, and attorney's fees, for or on account of any injury to any person or any death at any time resulting from such injury, or any damaged property, which may be alleged to have arisen out of the negligent acts, errors, or omissions of the Consultant. It is further understood that this

indemnification shall not be construed to cover the negligent acts or omissions of the Village of Winnetka, its agents, or its employees. It is additionally understood that this indemnification shall not be construed to cover the negligent acts or omissions of parties unrelated to this contract.

As a general rule, and as is the case with most municipal activity, the greater a municipality's involvement, the greater its exposure to liability, and the greater the need to protect itself. Thus, Wilmette's approach of providing information to homeowners, while leaving all decisions and actions up to the individual homeowners has far less risk of exposure to liability than Glenview's approach. Should the Village of Winnetka decide to proceed with a program patterned after Glenview's, it would be advisable to have the multiple layers of indemnification, but also to include the obligation to defend in the indemnification provision. In addition, because an indemnification provision cannot guarantee that the Village would never be sued by the homeowner, it would also be advisable to require a release and waiver of claims in the program application materials.

Finally, it should also be noted that, whatever the Village Council decides, whether it be not to institute an inspection program or to proceed with an inspection program modeled after either Wilmette's program or Glenview's program, the Village would also be protected under the Local Governmental and Governmental Employees Tort Immunity Act, which protects municipalities, its officials and its employees from liability arising from the determination or policy, the exercise of discretion, the acts or omissions of another person, from the issuance, denial or administration of permits, and from the inspection, failure to inspect or negligent inspection of property. (*See, generally, 745 ILCS 10/2-103, 10/2-104, 10/2-105, 10/2-201, 10/2-204, 10/2-206 and 10/2-207.*)

Staff Proposal and Council Discussion

Staff recommends implementing a private property Stormwater Engineering Evaluation Program to assist property owners in protecting their own property against potential flood damage, for two compelling reasons.

First, some properties experienced flood damage that is not attributable to the broader drainage problems that the Village is attempting to address. In some cases, water may enter basements by seepage resulting from poorly graded ground adjacent to foundations. In other cases, water flowing downhill between houses overtops window wells or travels down driveways or basement steps, entering lower levels of the building. In some of these cases, it is possible that relatively simple, single-property fixes could provide real relief at little personal cost.

Second, some problems may prove resistant to Village attempts to reduce flooding. Because of their cost and complexity, some of the projects being considered by the Village may take some time to implement. Some properties lie within the 100-year floodplain and thus face the possibility of flooding from forces well outside the Village's control. In such cases, improvements to individual properties may be the only way a property owner can reduce the risk of flooding on their own property. A program that would make this easier and more attractive for property owners will benefit both the Village and the property owners affected.

Possible Budget Impact.

There is no funding in the Village's current budget for such a program. If the Council wishes to implement a program based loosely on the Glenview model, the following estimates may be helpful.

Cost per inspection: \$1,000 @ 50% cost share = \$500 per inspection Village cost.

If the Council were to consider implementing a program with a cost sharing component, staff could begin the RFP process this fall to obtain pricing, and then propose a line item in for the FY 2012-2013 Budget. A \$10,000 line item in the Village's FY 2012-13 Budget would provide a program that would allow for inspection of up to 20 properties, beginning April 1, 2012.

Policy Issues

The Village Council should address the policy questions.

- First, does the Council wish to provide a private property Stormwater Engineering Evaluation Program?
- Second, if the Council does wish to provide such a program, does it want to contribute public funds for individual, private services, as Glenview does, or does it want to follow the Wilmette model?

The table on the following page is intended to assist the Council in its discussions.

Recommendation:

Provide policy direction.

	Wilmette Model	Glenview Model
Program Description	Village provides contact and pricing information for engineering services related to property inspections and written report detailing possible flood reduction improvements to private properties.	Village negotiates a contract with an engineering firm to provide individual property inspections and written report detailing possible flood reduction improvements to private properties. Village funds 50% of inspection cost. Village provides \$200 voucher for permit fees.
Municipal Involvement	Limited to obtaining pricing for inspections and reports.	Negotiate contract with engineering firm. Administer payments to firm, collect payments from residents. Administer permit vouchers.
Procurement Process	Staff develops brief scope of work and obtains pricing information from several licensed engineers. Pricing provided to prospective program participants.	Staff develops request for proposals (RFP) and distributes to qualified engineering firms. Staff evaluates proposals based on qualifications and price, and negotiates final price with most qualified firm.
Desired Outcome	Property owner educated on possible improvements to drainage problems	Property owner educated on possible improvements to drainage problems
Program Deliverable	On-site inspection and optional written report.	On-site inspection and written report.
Liability Issues	Very limited	Potential liability, reduced with good indemnification statements.
Cost Sharing	None	50%
Homeowner Cost	\$300 to \$1,375	\$400
Municipality Cost	None	\$400/ inspection
Additional Incentives	None	\$200 voucher good towards permit fees if work undertaken.
Resident Use of Program	Unknown, estimated as “just a handful”	Approximately 40 since August 2010



RESIDENT ASSISTANCE PROGRAMS

In an effort to help residents protect their homes against flooding and to provide a list of contractors and consultants to help identify appropriate pricing, the Village issued two Requests for Proposals (RFP) to establish lists of firms to provide the following services at a fixed cost:

- Sewer Lateral Televising
- Residential Flood Assessments

Sewer Lateral Televising

Firm/Contact	Address	Phone	Televising Cost	Hourly Rate to Clean Sewer*
Reliance Plumbing, Sewer & Drainage Contact: Alex Ortega	1848 Techny Ct. Northbrook, IL	847-583-1858	\$115	\$140/hour
Tangney & Sons Plumbing & Sewer Contact: Michelle	41550 N Rt. 45 Antioch, IL	847-599-0635	\$125	\$125/hour
Rick's Sewer & Drainage Contact: Rick	9105 Carmel Spring Grove, IL	847-635-8988	\$150	\$150/hour
M & A Plumbing Contact: Mike	3510 Wilmette Wilmette, IL	847-251-2040	\$185	\$95/hour
Lucke Plumbing Contact Bob	736 12 th Street Wilmette, IL	847-251-2020	\$250	\$250/hour
Lakeside Plumbing Contact: Heather	1684 Barclay Buffalo Grove, IL	847-419-0303	(\$220- \$315)	\$185/hour

*If the sewer lateral is dirty, it may not be possible to televise until it is cleaned (rodded.)

Residential Flood Assessments

Firm/Contact	Address	Phone	Assessment Cost	Assessment Report
Bono Consulting Contact: Bernie Bono	1018 Busse Highway Park Ridge, IL	847-823-3300	\$300	Included
Top Gun Construction Contact: Tom Pieczonka	7720 Touhy Chicago, IL	847-502-0993	\$300	\$185
Daniel Creaney Company Contact: Daniel Creaney (Initial meeting ½ hr or less: No Charge)	450 Skokie Blvd Northbrook, IL	847-480-5757	\$450	\$500
Pearson Brown & Associates Contact: Ron Adams	1850 W. Winchester #205 Libertyville, IL	847-367-6707	\$500	\$250
Christopher Burke Engineering Contact: Mike Kerr	9575 W. Higgins Rosemont, IL	847-823-0500	\$625	\$375
Terra Engineering Contact: Jamil Bou-Saab	225 W. Ohio Chicago, IL	312-467-0123	\$875	\$450

Please note that the Village is not the purchaser of the services noted above and the decision to use any of the firms listed is that of the property owner and not the Village. The decision whether to use any of the firms listed above or any other commercial service, is completely up to the resident. Residents wishing to use the firms listed above must deal with the company directly. The Village is not responsible for the services provided by any of the firms listed above.

Sewer Lateral Televising

The services provided as part of the sewer lateral televising include:

- Preparatory cleaning of the sewer lateral to permit unobstructed passage of the television camera and clean enough for the camera to discern structural defects and points of infiltration.
- Closed circuit television (CCTV) video recording system for internal inspection of the sewer lateral capable of producing satisfactory picture quality.
- Video recording of the sewer on a CD/DVD color format.
- Two copies of the CD/DVD shall be made available to the property owner.
- A lighting system that allows the features and condition of the pipe to be clearly seen.
- The camera shall stop at all defects and points of infiltration and pan as necessary to permit proper documentation of the sewer's condition.
- The contractor shall stop and thoroughly inspect each of the following:
 - Collapsed pipe, obstructions
 - Structural cracking, with and without deflection
 - Missing portion of wall
 - Sag, excessively deflected joint
 - Cracked and open joints
 - Root intrusion
 - Protruding joint sealing material
 - Corrosion conditions, including aggregate, exposed reinforcement, and disintegrated wall which exposes the soil surrounding the pipe.
 - Missing, damaged pipe
 - Deposits
 - Protruding, break-in, and manufactured wyes or tees.
 - Infiltration (GPM)

Residential Flood Assessments

The services provided as part of the residential flood assessment include:

- Questionnaire to document flood history.
- Determine source and type of flooding (overland, seepage, sewer back-up, etc.).
- Verify if the home is served by the combined or separate sewer system.
- Inspect surrounding topography to determine drainage patterns.
- Identify public improvements (storm sewers, relief sewers, drainage ditches, etc.) that provide management of storm water.
- Identify physical characteristics (below-grade garage, patio etc) that may contribute to flooding.
- Verify if downspouts from roof gutters direct water away from the house.
- Inspect sump pump for adequately sized pump.
- Determine if there is secondary power (battery backup) and if so, is it an adequate system.
- Identify the location of the sump pump discharge and whether or not water is directed away from the house.
- Visually inspect plumbing for possible cross connections.
- Inspect foundation floor and walls for sources of seepage.
- Discuss options to mitigate flooding with the home owner.

Optional Assessment Report

- Prepare a report documenting findings and suggestions to mitigate flooding.

Storm Water Task Force Cost Sharing Programs

Local Drainage Inspection Program



Are there any eligibility requirements?

No, any resident may ask the Village to conduct a site drainage inspection on their property. As part of the program, the Village also provides one-time cost-share assistance that covers 50% of the \$800 inspection fee.

What is covered?

- One on-site drainage inspection conducted by a licensed professional engineer
- Review of site conditions and any drainage problems affecting the property
- Recommendations for improvements that can be made to address existing drainage problems
- A written report containing the results of the inspection and summarizing key findings and recommendations

What isn't covered?

- Detailed design of the recommended improvements
- Acquisition of any permits required to implement the recommended improvements
- Actual construction, site, or landscaping work required to implement the recommended improvements
- Additional site drainage inspections or follow-up consultations

Program Expectations

- 100% utilization of the allocated cost-share funding.
- Increased resident awareness about local drainage problems and the actions they can take to help reduce the frequency and magnitude of localized flooding events.
- Increased communication and interaction between the Village and individual property owners affected by local drainage problems.

How do I sign up for the program?

1. Contact the Village's Development Department, either in person at the Village Hall (1225 Waukegan Rd.), on the Village website, or by phone at (847) 904-4320 to request a site drainage inspection. Residents will be asked to fill out a brief inspection request form.
2. Upon completion of the inspection request form, residents will be asked to contact the Village's Finance Department to pay \$400, the resident's share of the inspection fee. The Village will then provide a one-time cost-share assistance that covers the remaining \$400, totaling to the \$800 inspection fee.
3. Once the inspection fee has been paid, the inspection request will be forwarded to a licensed professional engineer who will review the request and contact the resident to schedule the site drainage inspection.
4. At the conclusion of the inspection, the engineer will review his or her findings with the property owner and will offer recommendations on the improvements that can be made to alleviate any existing drainage problems. Within 10 business days, residents will receive a personalized written report containing the results of the inspection and summarizing the key findings and recommendations.
5. If implementation of the recommended improvements will require permits from the Village's Development Department, residents will receive a voucher good for up to \$200 worth of fees associated with the acquisition of those permits.



Local Drainage Problem in Glenview

More information on the Village of Glenview's Cost Sharing Programs is available on the Village website at: http://glenview.il.us/departments/development/inspectional_services/floodreductioncostshare.shtml

Storm Water Task Force Cost Sharing Programs

Local Drainage Inspection Program



What is it?

A voluntary technical assistance program available to residents who are interested in having a licensed professional engineer assess and identify potential solutions to their local drainage problems.

The Village provides cost-share assistance to residents who volunteer to participate in the program. The cost-share assistance provided by the Village covers 50% of the \$800 inspection fee. To be eligible for the cost-share assistance, residents must sign up to participate in the program by November 30, 2011.

What assistance does the program provide?

When localized flooding occurs, Village residents often wonder why their property flooded and what they can do to help prevent it from occurring in the future. Fortunately, there are often site-specific improvements that property owners can make to help reduce the frequency and magnitude of these localized flooding events. In many cases, however, residents need assistance in determining the improvements that need to be made.

Under this program, the Village of Glenview assists residents in evaluating local flooding problems by conducting drainage inspections on individual properties. Licensed professional engineers, retained by the Village and acting as an extension of Village staff, perform the inspections to evaluate existing drainage problems and provide residents with recommendations on potential solutions to those problems. After each inspection, residents will receive a personalized written report containing the results of the inspection and summarizing the key findings and recommendations.



Local Drainage Problem in Glenview

Who benefits?

- Homeowner
- Neighborhood
- Village

Who can participate in the program?

The program is open to all Village residents. As part of the program, the Village provides cost-share assistance that covers 50% of the \$800 inspection fee. Costs for design, permitting, and construction of any recommended improvements are not covered by the program.

What are the benefits?

- Site specific evaluation of local drainage problems and identification of potential solutions to those problems.
- Education of residents as to actions they can take to help reduce the frequency and magnitude of localized flooding events.
- Increased communication and interaction between the Village and individual property owners affected by local drainage problems.

The cost-share funding that the Village has made available will support reduced-cost site drainage inspections at as many as 240 properties.



The Village of Glenview



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Inspectional Services

A Division of the Development Department



CONTACT US

Flood Risk Reduction Program Homeowner Cost-Sharing Initiatives

In August 2010, the Village Board approved the final **Flood Risk Reduction Program**, developed under the leadership of the [Storm Water Task Force](#) established after the heavy flooding that occurred in September 2008. In addition to several major flood improvement projects, two cost-sharing initiatives were approved to help homeowners reduce the likelihood of flooding. On this page, you'll find more information about these initiatives as well as application materials.

Funds will be provided on a first-come, first-serve basis.

- **Overhead sanitary sewer conversions.** Homes with gravity sanitary sewer systems are susceptible to sewage back-up; converting to an overhead system can greatly reduce this risk. Through this cost-sharing initiative, the Village and the homeowner will each pay 50 percent of the cost of this conversion -- **up to a total project cost of \$15,000** (that means that the Village will pay up to \$7,500 of the cost). Below are links to additional information and application materials.

- [Overhead Sewer Conversion Information Sheet](#)
- [Application Form](#)
- [Contractor Checklist](#)
- [Reimbursement Checklist](#)

- **Holistic drainage inspection conducted by the Village's consulting engineering firm Baxter & Woodman.** This inspection should provide homeowners with a better understanding of the work, costs and steps involved in flood-proofing their homes. Through this cost-sharing initiative, the Village and the homeowner will each pay 50 percent of the \$800 cost of this inspection (that means that the Village will pay \$400). In addition, the Village will waive up to \$200 in permit fees should the homeowner undertake the recommended improvements. Below is a link to additional information; check back in coming weeks for application materials.

- [Drainage Inspection Information Sheet](#)
- [Online Application Form](#)

Thank you for your interest! Please call (847) 904-4320 with any questions you might have.

Phone

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