

APPROVED
MINUTES OF THE STORMWATER MANAGEMENT COMMISSION
VILLAGE OF NORTHBROOK
COOK COUNTY, ILLINOIS
February 15, 2023

Commissioners present (5):

Chairman Thomas Burke
Craig Hetue
Peter Rosner
Mike Reynolds
Adele Sturgis

Members not present (2):

Greg Hoeft
Leonard Rago

Other present:

None

Staff Present:

Jack Bielak, Interim Village Engineer
Wally Maynard, Engineering Technician
Michael Weller, Project Manager

Call to Order

Chairman Burke called the meeting to order at 6:00 P.M. in the Terrace Room at Village Hall.

1) Review of the Minutes from August 17, 2022 Meeting

Member Sturgis stated that she had some comments regarding the previous meeting's minutes.

Member Sturgis suggested that on page 4, line 25, "... they needed more budget." should be changed to "... the Stormwater Management Fund needed to be increased."

Member Sturgis suggested that on page 4, line 29, "... he would be able to request budget for projects." should be changed to "... he would be able to request a larger budget for projects."

Member Sturgis suggested that on page 4, line 35, the period be changed to a comma and the following should be added, "... which made estimated project construction costs way off by the time a project was finally next on the list for potential construction."

Member Sturgis suggested that on page 4, line 42, "... more budget ..." should be changed to "... additional budgeted funds ..."

1 Member Sturgis suggested that on page 5, line 9, “. . . had heard it was under study and might
2 be increased.” should be changed to “. . . was aware that water and utility rates were currently
3 under Board study, but the Stormwater Utility Fee was not being studied and needed to be
4 increased to keep up with rising costs.”

5
6 Member Sturgis suggested that on page 6, line 15, “. . . it was not available.” should be changed
7 to “. . . it was not yet available.”

8
9 Member Reynolds made a motion, seconded by Member Rosner to accept the minutes of the
10 October 26, 2022 meeting as amended. On a voice vote, the motion to approve the minutes as
11 presented passed, with no member abstaining.

12
13 **2) Hear from the Audience on Topics not on the Agenda**

14 None.

15
16 **3) Old Business**

17 Bielak stated that they would proceed to old business. He explained that old business included
18 an update on the Commission’s scoring for future projects and an update on completed
19 projects.

20
21 Bielak stated that for MSMP 29, the Village had received their final grant reimbursement from
22 the state, the amount received was \$567,000.

23
24 Bielak stated that for MSMP 31, the grant paperwork had been submitted, the amount
25 expected back was \$387,000. Bielak suggested that the Commission visit the project area, as
26 the new ditch looked great.

27
28 Member Reynolds asked where the project was located.

29
30 Bielak replied that it was located by Canterbury Road off of Pfingsten Road. He explained that
31 the Commission should go together with Village Staff, as the ditch was in residents’ backyards.

32
33 Bielak stated that the Engineering Division had multiple RFPs out currently and several
34 construction projects were starting in April. He explained that Staff would be getting busy.

35
36 Member Sturgis asked about the status of the stormwater budget now that the grant funds
37 were coming in. She asked whether the Board was aware of them.

38
39 Bielak stated that the Board was aware of the grant funding. He explained that the Village
40 fronted the money for these projects and now the funds used to front the money would be
41 reimbursed.

42
43 Chairman Burke asked Bielak to arrange a time for the Commission to visit MSMP 31.

1 Bielak responded that he would arrange a time. He stated that the Commission would be
2 meeting three times between April 6 and June 12 for Addendum 3. He explained that during
3 those meetings, the consultant would come in and present to the Commission. Bielak stated
4 that once Addendum 3 was complete, he can request funding for the projects.

5
6 Member Sturgis asked if there were any comments from the Board regarding the ERA contract.

7
8 Bielak replied that there were no comments.

9
10 Chairman Burke asked if the Addendum 3 contract with ERA was on the consent agenda.

11
12 Bielak responded that it was on the consent agenda.

13
14 Member Reynolds asked if it was a good sign that the contract was on the consent agenda.

15
16 Bielak answered that it was a good sign. He explained that it showed trust in Staff and the
17 Commission.

18
19 Member Sturgis stated that her only consideration was that there were so many projects that
20 were not included for study in Addendum 3. She explained that the lack of funding bothered
21 her.

22
23 Member Reynolds asked if Staff would discuss the seventeen other projects with Public Works
24 administration and the Board. He explained that he did not want them to think that everything
25 would be solved with Addendum 3.

26
27 Bielak responded that Staff made it clear that along with the eight projects being studied, there
28 were seventeen other projects that required future attention.

29
30 **4) New Business**

31 Bielak stated that they would proceed to new business. He explained that new business would
32 consist of an update of MSMP Addendum 3. Bielak presented Memo 4.

33
34 Chairman Burke asked what the contract price was for Addendum 3.

35
36 Bielak answered that the contract price was \$64,409. He stated that of the three RFPs
37 submitted, two were similar in price and the third was much higher.

38
39 Member Reynolds asked if there was a summary of the selection process in the Board minutes.

40
41 Bielak responded that the memo sent to the Board covered the selection process and included
42 all consultants who submitted.

43
44 Member Reynolds asked if the memo could be sent to the Commission.

1
2 Bielak replied that Member Reynolds could find the memo on the Village website.

3
4 Bielak presented a graph showing the scores for each project. He explained that the graph
5 showed the eight projects chosen for Addendum 3.

6
7 Bielak stated that previously the Commission had mentioned that they wanted Addendum 3 to
8 be similar to Addendum 1 and Addendum 2. He explained that he found the old RFPs and based
9 Addendum 3 off of them.

10
11 Bielak presented a schedule showing the five phases in Addendum 3. He stated that he
12 separated the contract into five phases to make sure ERA met certain deadlines. He explained
13 that Phases 3, 4, and 5 included meetings between the consultant and the Commission. Bielak
14 stated that during those meetings, the consultant would present their progress and receive
15 feedback from the Commission.

16
17 Bielak stated that Staff was scheduled to meet with ERA on Monday February 20. He explained
18 that Staff would discuss the phases and work on finding dates for the meetings.

19
20 Bielak stated that in Phase 2, ERA would be doing an evaluation of the other seventeen
21 projects.

22
23 Member Sturgis asked if the Commission could get some information on the Cost Share
24 Program.

25
26 Maynard replied that he could send the Commission information from the Cost Share Program.

27
28 Member Sturgis stated that she would like to see the level of participation in recent years. She
29 asked how many rain gardens had been built.

30
31 Chairman Burke answered that there had been demand even though the weather had been
32 dry. He explained that during 2018, 2019, and 2020 the budget could not cover everyone, so
33 some residents were carried over to the following years.

34
35 Maynard stated that he had been running the Program for two years and he had not seen a rain
36 garden built. He explained that the high cost of rain gardens drove residents away.

37
38 Maynard stated that each year Staff received \$50,000 for the Cost Share Program and half had
39 been spent each year, for the last two years. He explained that there were carryovers from the
40 three wet years.

41
42
43 Member Sturgis stated that she saw overlap between the Program and the Sustainability
44 Commission but was not sure if they even knew the Cost Share Program existed.

1
2 Bielak stated that he was pushing for the Sustainability Commission to visit MSMP 31. He
3 explained that the ditch was a great example of sustainability in Northbrook.

4
5 Chairman Burke asked Bielak to get dates from the consultant for Addendum 3 meetings.

6
7 Bielak answered that he would get the dates over as soon as possible.

8
9 Bielak asked if there were any other questions on Addendum 3 at this point.

10
11 Chairman Burke stated that Phase I, Bullet 3 should also include the MWRD maps during the
12 study.

13
14 Bielak stated that he agreed with Chairman Burke. He explained that ERA was the consultant
15 who completed the MWRD Study for the Northbrook Area.

16
17 Member Sturgis stated that the Study was done in 2016, which was before Bulletin 75. She
18 explained that for her neighborhood, flooding paths shown in the Study were inaccurate.
19 Member Sturgis stated that for the most part, the maps showed the flooding caused by
20 inadequate sewers.

21
22 Member Sturgis asked if any residents had reached out to Staff following the previous meeting.

23
24 Bielak replied that one gentleman was initially confused on whether his area was included in
25 Addendum 3. He explained that he talked to the gentleman on the phone and worked things
26 out. He explained that another reached out asking how her project scored but also understood
27 how the other projects were worse off than her. Bielak stated that it was a very courteous thing
28 for her to say.

29
30 Member Sturgis asked if letters had been sent to all the residents explaining the status of
31 Addendum 3.

32
33 Bielak responded that Staff had not sent letters. He stated that the previous meeting was a
34 public notice. He explained that residents could read the meeting minutes on the website.

35
36 Bielak stated that due to the dry weather, Staff had not been receiving as many phone calls
37 regarding flooding recently.

38
39 Member Sturgis stated that it would be quiet until the next flood.

40
41 Member Sturgis stated that some of the residents had moved away from the project areas.

1 Bielak stated that after Addendum 3, he wanted to create a summary memo of all the
2 stormwater projects that had been completed. He explained that the memo would allow
3 residents to see the work done by the Commission and Staff.

4
5 Bielak asked if there were any other questions for Addendum 3.

6
7 Chairman Burke stated that it was a great layout and had a tight schedule.

8
9 Bielak stated that during the interviews he mentioned that MSMP 31 was their last project on
10 their schedule and the Village wanted to get new projects slated as soon as they could.

11
12 Chairman Burke asked if anyone picked up the RFP but did not submit.

13
14 Bielak answered that a consulting firm called him and apologized for not submitting. He
15 explained they had worked on the previous Addendums, but the staff member who was in
16 charge of them had left the company. He stated that the consultants interviewed were very
17 good at diving straight into the projects and suggesting solutions.

18
19 Member Sturgis asked if Bielak had any information on price increases for construction this
20 year.

21
22 Bielak replied that he would be able to give her an answer after this year's projects came back.
23 He stated that this year he was worried about pipe being in stock.

24 25 **5) Hear from Commissioners concerning new topics**

26 Bielak stated that they would hear from Commissioners concerning new topics.

27
28 Member Sturgis stated that she would like to see an increase in the Stormwater Management
29 budget. She explained that the stormwater fee needed to be changed to an impervious
30 coverage basis, rather than a potable water basis. Member Sturgis stated that the Commission
31 should have the funding to study more projects. She explained that each year they were able to
32 do less and less, but at the same time the Village wanted to be more sustainable.

33
34 Chairman Burke stated that the one thing to be cautious with is that when the stormwater
35 utility fee is calculated, they are shooting to get a certain amount of money. He explained that
36 the switch would not necessarily bring in more or less money. Chairman Burke stated that he
37 agreed that they needed an increase to adjust with the times. He explained that significant
38 demand still exists for stormwater projects. He stated that Member Sturgis was combining the
39 two issues, the funding increase and the switch to impervious coverage.

40
41 Member Sturgis stated that it was also a matter of equity and fairness. She explained that new
42 developments have increasingly been required to construct detention basins and they are
43 required to pay taxes on them. She stated that these new developments were paying for
44 detention while the rest of Northbrook was not. She explained that new developments were

1 paying more than they should, while residents without detention were paying less than they
2 should.

3
4 Chairman Burke stated that what she was suggesting got into stormwater credits.

5
6 Member Sturgis responded that using impervious surface for calculating the fee made it fair.
7 She explained that potable water had no nexus. She elaborated that the difference between a
8 tax and a fee was that a fee had a nexus between what you are paying for and the cost. She
9 stated that the current set up was not a fee, but instead a tax.

10
11 Chairman Burke stated that it was a fee not a tax.

12
13 Member Sturgis responded that it was not a fee. She explained that every Illinois Supreme
14 Court challenge to stormwater utility fees had come back in favor of communities that posed
15 stormwater utility fees on the basis of a direct nexus between the amount of impervious
16 coverage and the amount being charged. She stated that the Village did not currently have that
17 nexus.

18
19 Chairman Burke stated that he agreed that potable water was indefensible, but it was still being
20 charged as a fee, not a tax.

21
22 Member Reynolds asked if the stormwater fee had its own budget that could only be used for
23 stormwater.

24
25 Bielak replied that the stormwater fee went into its own fund.

26
27 Member Reynolds asked what the annual revenue was for the stormwater fee.

28
29 Bielak responded that he would have to get back to him on that.

30
31 Bielak stated that his perspective right now was that they were using the fee to pay off the
32 bonds taken to fund the previous projects, and now they needed to know how much to
33 increase the fee in order to fund new projects. He explained that it was not a perfect system,
34 but the Commission had narrowed it down to eight projects to be studied and afterward they
35 would decide which projects could be constructed. He stated that a few years from now they
36 would be talking about which projects to include in Addendum 4.

37
38 Member Sturgis stated that any change in funding would be a long process.

39
40
41 Chairman Burke stated that based off of previous discussions, the Village would rather use the
42 impervious coverage basis. He explained that they could still get the same amount of funding
43 after the switch.

1 Member Sturgis stated that the Board turned the Commission down three times before they
2 finally got the stormwater utility fee in 1995.

3
4 Chairman Burke asked if Bielak's plan was to wait to see how the eight projects turned out
5 before deciding to pursue any funding changes.

6
7 Bielak answered that it would be necessary to have hard documentation from the study before
8 he requested funding.

9
10 Member Rosner stated that the Commission did not want to ask for money, only to find that
11 they did not need it.

12
13 Chairman Burke asked if there were other topics that Commissioners wanted to discuss.

14
15 Member Sturgis stated that she mentioned the MWRD maps last meeting and would like to
16 discuss them in the future.

17
18 Chairman Burke asked if Staff looked at the MWRD maps when new developments came in.

19
20 Bielak responded that Staff primarily use the FEMA maps as they are easily obtained by
21 developers.

22
23 Member Sturgis stated that Staff should also look at the MWRD maps, as the FEMA maps do
24 not include storm sewer data.

25
26 Chairman Burke stated that the MWRD maps did not include all the storm sewers either.

27
28 Member Sturgis responded that she knew, but the MWRD maps reflected the overall flooding
29 in the Village better than the FEMA maps.

30
31 Member Rosner stated that the Commission agreed that potable water was not the way to go.
32 He explained that they would have to go before the Board if they wanted to switch.

33
34 Member Reynolds asked if Staff could look at the seventeen projects and evaluate them.

35
36 Bielak replied that the consultant would evaluate them broadly. He explained that after the
37 consultant looked at them as a part of Phase 2, the Commission could discuss the projects
38 again.

39
40
41 Bielak stated that he had looked into what Staff had done previously for getting flood insurance
42 information out to residents. He explained that in 2021 and 2022 there was information in the
43 Northbrook Voice regarding flood insurance. He stated that if the Commission wanted Staff to
44 do more, they could discuss it.

1
2 Member Sturgis stated that Northbrook had a ridiculously small amount of policies in effect.
3 She explained that the common misconception was that residents could not get insurance if
4 they were not in a floodplain. She stated that the Commission and Staff should emphasize to
5 residents that they should get flood insurance.

6
7 Bielak stated that staff had reapplied for Northbrook's Class 6 Community Rating to get
8 residents discounts on flood insurance.

9
10 Chairman Burke asked if Northbrook had gotten a Community Assistance Visit.

11
12 Bielak replied that they had not.

13
14 Chairman Burke stated that during a Community Assistance Visit, FEMA would look at
15 developments, ordinances, and projects to confirm everything was done correctly.

16
17 Bielak asked if there were any other topics that Commissioners wanted to discuss.

18
19 **6) Next Meeting Date: To Be Determined**

20 Bielak to schedule meeting for April 2023.

21
22 **7) Adjourn**

23 There being no further business, Member Sturgis made a motion, seconded by Member Rosner
24 to adjourn the meeting. On a voice vote, the motion was unanimously carried and the meeting
25 adjourned at 6:55 P.M.

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27
28 Respectfully submitted,
29 Michael Weller
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