

**Special Meeting of Elmhurst City Council
Committee of the Whole
January 11, 2016
6:30 pm – 7:35 pm**

**13 Council members present; Ald. Wagner absent
City Mgr. Grabowski, City Atty. Storino
~12 Public; ~4 Staff; 1 Press;
Observer: R. Lipton**

1. Mayor Morley called the meeting to order at 6:30pm

- a. Pledge of Allegiance
- b. Call to Order – this special meeting is for the purpose of evaluating the dispute between the City and the Park District Board (EPD) regarding their stipulation that a shut-off valve be included in the plans for the York Commons stormwater retention basin. Once this issue is resolved, a final version of the intergovernmental agreement (IGA) pertaining to the construction of a stormwater detention pond at York Commons can be accepted by the City and EPD and the work can go forward.

2. Public Forum

- a. **R. Lipton:** Two issues: First, Council should recognize that EPD has worked in good faith to move the retention pond projects forward; for example the City originally offered to add recreational improvements to the site at an estimated cost of \$300,000 but EPD chose to forego these in order as a cost saving. Second, the models developed by Burke Engineering used old data from before 2010 and thus do not reflect the current situation where we have 100-year flood events or more every 2 or 3 years.
- b. **K. Sullivan:** This citizen proposed using the parking lot in the southwest corner of the property to accept excess water in case the detention pond overflowed.
- c. **M. Shumley:** Expressed concerns that the Council should proceed as economically as possible to deal with the storm water issues in Elmhurst. The resident expressed opposition to spending an additional \$100,000 of taxpayer money on an unnecessary shut-off valve.

3. Mayor Morley reviewed the issue under consideration at this meeting: whether or not to include a shut-off valve in the pipeline coming from the Crescent St. area into the detention pond. Over the past 4 years this was included at times and then removed once the City's engineering firm deemed it unneeded according to their models of a 100-year flood water surge. The engineers working with EPD did not object to this characterization. Nevertheless, EPD approved the IGA with the stipulation that an automatic shut off valve be installed based on safety concerns. The current plan will account for 10 acre-feet of flood water and will impact 38 homes on Crescent Ave.

4. Presentation by E. Burke, PhD representing his engineering firm, which is charged with carrying out this project, presented his firm's plan and the rationale for not recommending a shut-off valve. He made several points as follows:

- a. Their firm's models are based on standard 100-year flood estimates set by adjacent towns and the State of Illinois; additionally they modeled the June 23, 2010 event (4 inches of rain in one hour) and even then no downstream flooding occurred. If there is a substantial overflow issue the volleyball courts could be lowered later on.
- b. There are challenges to operating a remote-controlled valve in the event of a severe storm because water levels fluctuate rapidly and this could cause the valve to cycle open and closed repeatedly – this could well cause it to jam.
- c. Based on the engineers' prior experience with the Ohare pond overflow into the DesPlaines River, there is likely to be a PR problem. At that time Salt Creek residents attributed their flooding to a shut-off valve malfunction that in reality occurred in an entirely different water system, the DesPlaines river.

5. Discussion by Council Aldermen proceeded to query Dr. Burke regarding various issues related to the shut-off valve. These included:

a. Concerns regarding the potential for overflow to move over land west and south on York to Washington in the event of a greater than 100-year flood. Dr. Burke's response was that the 48" pipe from Crescent is not sized for a >100-year event, so the water coming from north of the railroad tracks would not flow into the retention basin but would stay on Crescent. Ald. Talluto asked whether the retention basin could fill and overflow before the 48" pipe limited water from the north. Dr. Burke responded that if this happened, again, the water would flow over land to the south and west.

b. Cost concerns revolving around spending the extra \$100,000. Ald. Levin asked what would be the cost of adding a shut-off valve later if it were deemed necessary; Engr. Burke responded that it would be about the same as now. Ald. Bran pointed out that he had heard a variety of cost estimates for the valve, from \$25K - \$100K; Burke estimates cost at \$100K. Several aldermen offered comments hostile to the stance of EPD, including that the residents of Cayuga Ave. should not hold the rest of Elmhurst hostage; that EPD should have no say in the plans for the retention basin since the City is paying for it; that this could lead to other unneeded expenditures and that if EPD wants a shut-off valve they should pay for it.

c. Review of the plan by V3 Engineering (the firm retained by EPD): Ald. Healy understood that V3 agreed that the shut-off valve was not needed. Dr. Burke reported that his firm provided all their materials to V3 but had not received any feedback from them either way. Ald. Kennedy pointed out that the EPD engineers will formally evaluate the plan after the IGA is finalized.

d. What exactly are EPD's concerns? City Mgr. Grabowski responded that EPD has not offered anything specific. Ald. Dunn asked whether there might be something unique about the York commons site that could warrant a shut-off valve; Dr. Burke responded in the negative. Ald. Deuter asked whether EPD planned to ask for shut-off valves in the other proposed retention basin sites; Mr. Grabowski offered that parks Director Rogers said they didn't have enough details about the plans for other sites to make a determination right now.

e. Potential liability if a valve deemed unnecessary by both engineering firms malfunctions. City Atty. Storino commented that it was unlikely because state laws limit towns' liability in these kind of scenarios.

6. Mayor Morley and Mgr. Grabowski outlined the next steps in the process: Following the City's receipt of a letter from EPD regarding the final details of the IGA, EPD was asked if they would consider some changes to the plans and they responded positively. Thus the City will send a letter to EPD reflecting this discussion of the shut-off valve as well as plans for retention basins on the other EPD properties.

Upcoming related meetings:

Wed. 1/13 EPD board meeting

Thurs. 1/14 EPD stormwater subcommittee

Tues. 1/19 City Council meeting where the final IGA is expected to be voted on.

7. **Summing up**, Ald. Polomsky asked if Council could request that V3 engineering review the York Commons plan before the 1/19 City Council meeting. The Mayor commented that the upshot is that valves can fail, pipes can fail, and there may be a legal aspect to this issue.
8. **Adjournment:** Mayor Morley adjourned the meeting at approximately 7:35 pm.

Agenda, video and relevant documents can be found at:

<http://www.boarddocs.com/il/coe/Board.nsf/Public>