Village of Savoy

MINUTES OF SEPTEMBER 16, 2020

Village of Savoy Board of Trustees Meeting

DATE: September 16, 2020 PLACE: Robert C. McCleary Municipal Center
611 North Dunlap Ave.
Savoy, IL 61874

CONVENED: 7:00 P.M.
ADJOURNED: 8:15 P.M.

1. CALL TO ORDER, ROLL TAKEN, QUORUM DECLARATION

The Board of Trustees of the Village of Savoy regular meeting was called to order at 7:00 p.m. by President Dykstra. On roll call, as read by Village Clerk Billie Krueger, the following were:
PRESENT: Trustees Brown, Mangian, Ruggieri, Shonkwiler and Vavrik with President Dykstra presiding.
PRESENT VIA VOICE CONFERENCE CALL: Trustee Niccum
ABSENT: None

OTHERS: Dan Davies, Zoning Administrator
Brandon M. Martin, Director of Savoy Recreation Center
Dennis Donaldson, Village Treasurer
Jason Dillingham, Fire Chief, Savoy Fire Department
Lon Pitcher, Assistant Fire Chief, Savoy Fire Department
Sam Smith, Deputy Building/Electrical Inspector
Billie Jean Krueger, Village Clerk

GUESTS/PUBLIC: Rachel Tyson, 406 Arbours
Lee Tucker, Jr. 9 Magnolia Court

2 PLEDGE OF ALLEGIANCE

President Dykstra led the pledge of allegiance to the flag.

3. PUBLIC PARTICIPATION

President Dykstra asked for public participation.
Public participation as follows:
Rachel Tyson, 406 Arbours, stated she wanted to speak on water issues on Magnolia Court and the fact that she has been made aware that the Village of Savoy has changed their decision on approving the complete plans as submitted by Fehr Graham when the Village had spent a fair amount of time analyzing the drainage issues on Magnolia Ct.

Rachel Tyson read a letter from Attorney Stephen M. O'Byrne regarding Magnolia Court storm water treatment, a copy of which is attached and made a part of these Minutes, along with a letter from Tim and Sue Bachman.

Lee Tucker Jr., 9 Magnolia Court – Stated when Arbours Subdivision was built, it was not a part of the Village of Savoy and then you annexed it. He also stated he believes there will be a lawsuit filed against the Village of Savoy if they don't do anything to fixed the drainage issues on Magnolia Court and feels it is the Village' responsibility.

END OF PUBLIC PARTICIPATION

4. OTHER AGENDA ITEMS

President Dykstra asked if there were other agenda items to be added. None added.

5. BUSINESS

A. ANNUAL VILLAGE OF SAVOY AUDIT FOR THE YEAR ENDING 4-30-2020 COMPLETED – No action taken

Treasurer Donaldson requested that this item be continued to the Board of Trustees meeting of 10-7-2020

B. ORDINANCE NO. 2020-12- AN ORDINANCE PERTAINING TO THE LOCAL CURE PROGRAM

Trustee Vavrik made a motion to pass Ordinance No. 2020-12, as presented, seconded by Trustee Brown; By Trustee vote:
Ayes: Brown, Mangian, Ruggieri, Shonkwiler, Vavrik
Votes Aye Via Voice Teleconference call: Niccum
Absent: None

C. MAGNOLIA COURT PROJECT

Dan Davies explained his memo, a copy of which is attached and made a part of these Minutes, outlining Staff Recommendations and the Responsibility of the Village of Savoy and the Responsibility of the Arbours HOA and Homeowners with regard to the Magnolia Court Sump Discharge Treatment Project.

Davies stated that the Savoy Building and Zoning Department staff, as well as Savoy Public Works, have reviewed the plans and walked the site many times, including an on-site inspection during the latest rain event, and everyone is all in agreement that approving the complete plans as submitted by Fehr Graham, including a 141-foot sewer extension to serve only one or possibly two lots, sets a dangerous and improper precedence and also might require the Village to provide the same level of services to a significant portion of lots within the Arbours Subdivision which he does not believe is the responsibility of the Village.

Davies presented a copy of the Restrictive Covenants of The Arbours No.11 Subdivision and in particular read No. 6
"Easements: Easements for the installation and maintenance of utilities and drainage facilities whether above or below ground are reserved as noted on the recorded plat. No structure shall be erected over areas reserved for easements which would interfere with the construction or maintenance of said utilities. All connections to utility services shall be made underground. Any required above ground appurtenances to the underground utility system shall be located within six feet of said lot lines."

Dan pointed out in the Board of Trustees Minutes of 4-22-2020 that Trustee Vavrik questioned using the Village's funds for the Magnolia Court Project, because he believed it was an ordinance violation, but he understood it was a drainage issue.

Dan also pointed out in the Board of Trustees Minutes of 5-20-2020 wherein the Board approved Fehr Graham to provide engineering design services for the Magnolia Court drainage improvements at a cost not to exceed $19,170 and, at that time, Trustee Niccum stated he just wanted to make clear this expense was for immediate action for acting on an ongoing problem.

Trustee Shonkwiler made a motion that the Village of Savoy install two storm water inlets as shown on the plans designed by Fehr Graham to adequately drain Magnolia Court and eliminate the proposed 141 feet of tile extending to the private lots to serve connection to their sump pump lines and to further recommend that the Arbours Homeowners Association, along with individual affected lots, design a rear yard underdrain system to adequately handle the sump discharge and drain to the detention basin as originally designed for the subdivision and an added benefit would be that this underdrain would further assist adjoining lots on Old Maple Lane, seconded by Trustee Vavrik; By Trustee vote:
Ayes: Brown, Ruggieri, Shonkwiler, Vavrik
Votes Aye Via Voice Teleconference call: Niccum
Vote Nay: Mangian
Absent: None
Motion carried.

6. STAFF REPORTS

A. SAVOY FIRE DEPARTMENT

President Dykstra and the Trustees reviewed the Savoy Fire Department Activity Report and Fire Incident Summary and Monthly Alarm Response Summary, together with a 2020 Total Calls by each firefighter and Completed Assignments for each firefighter for the period 8/01/2020 through 8/31/2020 presented by Fire Chief Jason Dillingham. He added the following updates:

- SFD was awarded an AFG – Assistance to Firefighter Grant in the amount of $84,631.43 for exhaust removal. SFD is currently working with contractors to obtain bids and overall prices.
- Regional PPE Grant – SFD was awarded $10,351.51 by FEMA. They will probably use these funds for PPE equipment.
- SFD has two additional new firefighter hires.
- SFD calls for service have increased from 45 calls in July to 52 calls in August.

- Arrow Ambulance has also had an increase in calls – 84 calls in July and 92 in August.

Trustee Brown asked about the status of the Fire Department Consulting Agreement for the possibility of a fire station east of Route 45. President Dykstra stated it was on her desk and would be on an upcoming November BOT Agenda.

B. SAVOY RECREATION CENTER

President Dykstra and the Trustees reviewed the Director of the Savoy Recreation Center's Monthly Report, Membership Usage Report, August DPU's, Reservation Master Report, Pickleball Gym calendar, Aerobic Room calendar, Activity Room (2) calendar, Colbert Pavilion (Large) & Small -pond Pavilion calendars, Colbert Pavilion-small playground calendar, and Burwash Park Pavilion, all from Brandon Martin dated August, 2020.

Brandon stated that all Staff at the Recreation Center are trying to do the best they can under the present circumstances of COVID-19

Brandon also highlighted the following:
Touch A Truck Event scheduled for Sunday, 9-19-2020 has been cancelled.
All future special events are on hold, including the Trick or Street Event.
He is trying to utilize the Savoy parks with youth programs like soccer.
Sound acoustics have been installed in Activity Room and are effective.

7. BOARD OF TRUSTEES COMMUNICATIONS

Trustee Niccum commented that with regard to the federal government's Surface Transportation Bill, only one municipality in Illinois, and that was in northern Illinois, was awarded a grant.

Trustee Shonkwiler stated he had attended a recent Champaign Unit 4 School District Oversight Committee meeting and was shown pictures of the newly remodeled and completed Dr. Howard School. Commented it was very impressive and nice when the students can return to school.

8. ADJOURN

There being no further business to come before the Board of Trustees meeting, President Dykstra adjourned the open and public Board of Trustees meeting at 8:15 pm.

Respectfully Submitted,

/s/ *Billie Jean Krueger*

Village Clerk

This meeting was recorded.
Minutes approved: October 7, 2020

/s/ *Billie Jean Krueger*

Stephen M. O'Byrne

Timothy S. Jefferson
Also Licensed in Missouri

Kevin P. Nolan

Glenn A. Stanko
Of Counsel

O'BYRNE
STANKO
&
JEFFERSON
P.C.

ATTORNEYS AT LAW

Reno & O'Byrne
1952-1962

Reno, O'Byrne
& Kepley
1962-1984

Reno, O'Byrne
& Kepley, P.C.
1984-1994

Rawles, O'Byrne
Stanko & Kepley, P.C.
1994-2005

Rawles, O'Byrne, Stanko,
Kepley & Jefferson, P.C.
2005-2015

September 16, 2020

Via email

The Arbours Homeowners Association

Re: Magnolia Court storm water treatment

To the HOA Board:

Yesterday, you forwarded for my review and comment a report dated September 11, 2020 from Dan Davies and others that was addressed to the Village President and Trustees. The subject matter of the report was the Fehr Graham Engineering ("Fehr") plans (commissioned by Savoy) (the "Plans") to address the excessive stormwater runoff issues in Magnolia Court. The original plans for the Arbours Subdivision Number Two, that were approved by the Village of Savoy, did not provide for or require an underground storm water removal system.

A drawing setting forth Fehr's suggested solution is attached to the report. It appears to involve the installation of an underground pipe that would transport storm water west towards the cul-de-sac. In the cul-de-sac, two surface inlets would be installed to receive surface drainage. All drainage would then be transported west in an underground system (to be installed) that would then connect with an existing underground drainage pipe in the commons of The Arbours. The plan further seeks to address and repair deterioration of areas of the sidewalk and street.

Attached to the report is a second drawing suggesting an alternative solution. In it, Mr. Davies recommends that the Village install the two inlets in the cul-de-sac but nothing else. He recommends that the 141 feet of tile not be installed, He instead proposes that a rear yard under drain system be installed and that the burden and responsibility for doing so be shifted to the The Arbours Homeowners Association ("AHOA"). The AHOA was created by The Arbours No. I Subdivision Restriction Covenants recorded at the time of the creation of that subdivision and the filing of its Plat. The Association's purpose, authority and power is set forth in and limited by those Covenants. Magnolia Court and the surrounding property are a part of The Arbours No. II Subdivision. The covenants for that subdivision contain the same language regarding the power

and scope of the AHOA. In paragraph 26, its purpose is "..to provide for the development and maintenance and upkeep of the common areas of the subdivision". The authority and responsibility of the AHOA is limited to the common areas. Contrary to Mr. Davies suggestion, the A

Further at the present time the suggested alternative seems ill conceived. It is my understanding that this rear lot solutions was the subject of a written report to the Village from its consultants in which it was rejected as too expensive and too difficult to implement because of the presence of utilities and obstructions.

There is no doubt that there is a drainage problem in this area and that the subdivision development plans approved by the Village did not require an underground drainage system. However the authority and responsibility of the AHOA is limited to the common elements of the subdivision and the AHOA has not authority or obligation to undertake the project suggested by Mr. Davies.

Very truly yours,

Stephen M. O'Byrne

SUMP PUMP HISTORY FOR 3 MAGNOLIA CT

We purchased this home in 1983. It was built in the mid 1970's. To the best of our memory, the finished basement had only one sump pump in it then which ran a large amount of time due to the high groundwater table in this area. We were under the impression that it discharged underground to our backyard and either seeped back into the groundwater table or someway flowed away from our property. There was no indication of an open discharge or a particularly continuous wet area in the backyard.

Over the years we had problems with flooding of our finished basement due to pump and check valve problems, power outages, etc. As a result, we installed a second pump in the sump as a backup to help prevent flooding. Despite this, we experienced another basement flood in 2008 at which time we lost our hot water heater as a result of it. At that point, we added a Water Commander sump pump as an additional backup to the two electrical pumps. This pump would be activated if both electrical pumps failed or a power outage occurred. It operates on water pressure and requires no power supply. At the same time the discharge from it and the backup electrical pump were rerouted to discharge to our driveway rather than the original discharge piping for the primary pump as a precautionary measure should something happen related to that piping. The sump pump improvements and replacement of our hot water heater cost us about $2,800 with the goal of achieving flood proof protection for our basement.

In January of 2015, the primary pump began operating continuously and would not drain the sump forcing the secondary pump to activate and discharge to the front driveway and thus to the street. Since day one we had noted a capped hose bib on the main discharge line coming out of the basement before it went underground. When we removed that cap, the primary pump worked properly discharging above grade along the side of the house. This led to the conclusion that the discharge line was plugged or broken underground.

Working with Schoonover Sewer Services and then Stephens Underground Solutions, we hand dug the area around the primary discharge line where it came out of the basement and then went underground to determine where the problem might be. At that point we discovered the underground line did not run south as we had always believed but instead ran north to northwest out to the front side yard. It appeared to be a two-inch black ABS type discharge line going toward the street and then to an unknown destination. Rather than trying to find where the problem was in that line, Stephens proposed to run a new primary two-inch PVC discharge pipe out to the front side yard where it would discharge below grade to a rock pit and then seep into the groundwater. A pop-up valve would be installed on that line above the rock pit at grade as a backup. At the same time, the open secondary discharge line going to the driveway would be moved to discharge above ground to the front side yard. The cost of this modification was approximately $1,600. The work was completed in March of 2015 and placed into service.

In a matter of weeks, it was obvious that this system was not going to work as the groundwater table and the design was such that the rock pit could not handle the amount of water being pumped into it and the pop-off valve discharged to the surface. This created a wet swamp around that area making it impossible to mow and maintain in an aesthetic way. In consultation with Stephens, it was decided to abandon the rock pit and pop-off valve and extend the discharge pipe approximately thirty feet to the north making it a free surface discharge about ten feet from the street. The hope was that in this ten-

foot space some of the water would soak into the ground before reaching the street. The cost of this modification was about $400 and was completed in May of 2016.

The result of this change was that the ten-foot space became the new swampy un-mowable space with water ultimately reaching the street. It was at this point we added the gutter extension to the end of the PVC pipe to direct the flow to the street and eliminate the swampy area that had formed in the ten-foot space. It has remained that way since the summer of 2016 after spending some $5,000 trying to protect our basement and address this drainage problem.

The possibility of discharging to the backyard has been mentioned. But, the original drainage swale along the back-property lines from east to west toward the Commons area as originally designed for the subdivision is no longer capable of carrying surface water due to landscaping, sheds, fences, etc. by multiple homeowners. Our backyard frequently floods during periods of heavy or prolonged rains after which it takes several days for the ground to absorb it and then dry out. Trying to run a sump pump discharge to the back yard would only worsen that situation.

We would be happy to discuss this sump pump history at 3 Magnolia Ct. in more detail should you desire.

Tim and Sue Bachman
3Magnolia Ct.
217-359-4390
timbachman@hotmail.com

September 11, 2020

To: President Dykstra and Board of Trustees

From: Dan Davies, Brian Marcotte, Sam Smith and Orie Turnbull

Re: **MAGNOLIA COURT SUMP DISCHARGE TREATMENT**

On September 1, 2020, we received copies of the plans from Fehr Graham Engineering and Environmental with whom the Village contracted to review the drainage issues on Magnolia Ct. The firm also provided a design to deal with the excessive stormwater runoff issues.

Savoy Building and Zoning Department staff, as well as Savoy Public Works, have reviewed the plans and walked the site many times, including an on-site inspection during the latest rain event. We are all in agreement that approving the complete plans as submitted by Fehr Graham, including a 141-foot sewer extension to serve only one or possibly two lots, sets a dangerous and improper precedence. The ramifications would be that the Village could be required to provide the same level of service to a significant portion of lots within the Arbours Subdivision. This is not the legal responsibility of the Village.

Staff has identified 24 similar violations, (sump pumps discharging to the public right-of-way), which would precipitate a need to extend storm sewers to those lots. This would be a major undertaking, involving extensive engineering and quite possibly require a new storm sewer system to the entire subdivision. Furthermore, in addition to constructing a new storm sewer system, this could potentially involve replacing numerous street panels or entire sections to adequately handle the storm water drainage properly.

Currently, Lot 216 is continuing to violate Village ordinances by extending their sump pump to the public right-of-way. This lot causes serious safety concerns during all weather conditions, including significant and unsafe ice accumulation during freezing weather.

Title 12, chapter 12.12.030 prohibits dry weather water outlets (sump pump drains) from discharging on the public streets, sidewalks, or rights-of-way. See attached copy of the ordinance.

Staff Recommendations

Responsibility of the Village of Savoy:

Staff recommendation is that we install two storm water inlets as shown on the plans designed by Fehr Graham to adequately drain Magnolia Ct. and eliminate the proposed 141 feet of tile extending to the private lots to serve connection to their sump pump lines.

Responsibility of the Arbours HOA and Homeowners:

We further recommend that the Arbours Homeowners Association, along with individual affected lots, design a rear yard under-drain system to adequately handle the sump discharge and drain to the detention basin as originally designed for the subdivision. An added benefit would be that this underdrain would further assist adjoining lots on Old Maple Lane.

Chapter 12.12 - DISCHARGE ONTO PUBLIC PROPERTY

Sections:

12.12.010 - Dry weather water outlet defined.

A "dry weather water outlet" is defined as an outlet from a sump pump, footing tile, field tile, or other source which may discharge at times other than periods of rainfall and pursuant direct surface runoff.

(Ord. 840201A § 1)

12.12.020 - Dry weather water outlet—Permit required—Fee.

No person shall hereafter construct, build, establish, replace or maintain any dry weather water outlet which discharges onto a public right-of-way, public street, public sidewalk, or other public property maintained by the village without first obtaining a permit to do so, as hereinafter provided. Residents may obtain a copy of the "Application for Permit for Dry Weather Water Outlet" forms from the village. These forms can be obtained from the building commissioner, or authorized deputy, at the Savoy Village Hall. Completed applications shall be submitted in duplicate along with a nonrefundable fee. The amount of the fee will be established from time to time by the board of trustees, but shall not exceed, for any one inspection, the sum of fifty dollars ($50.00).

(Ord. 840201A § 2)

12.12.030 - Discharge prohibited where.

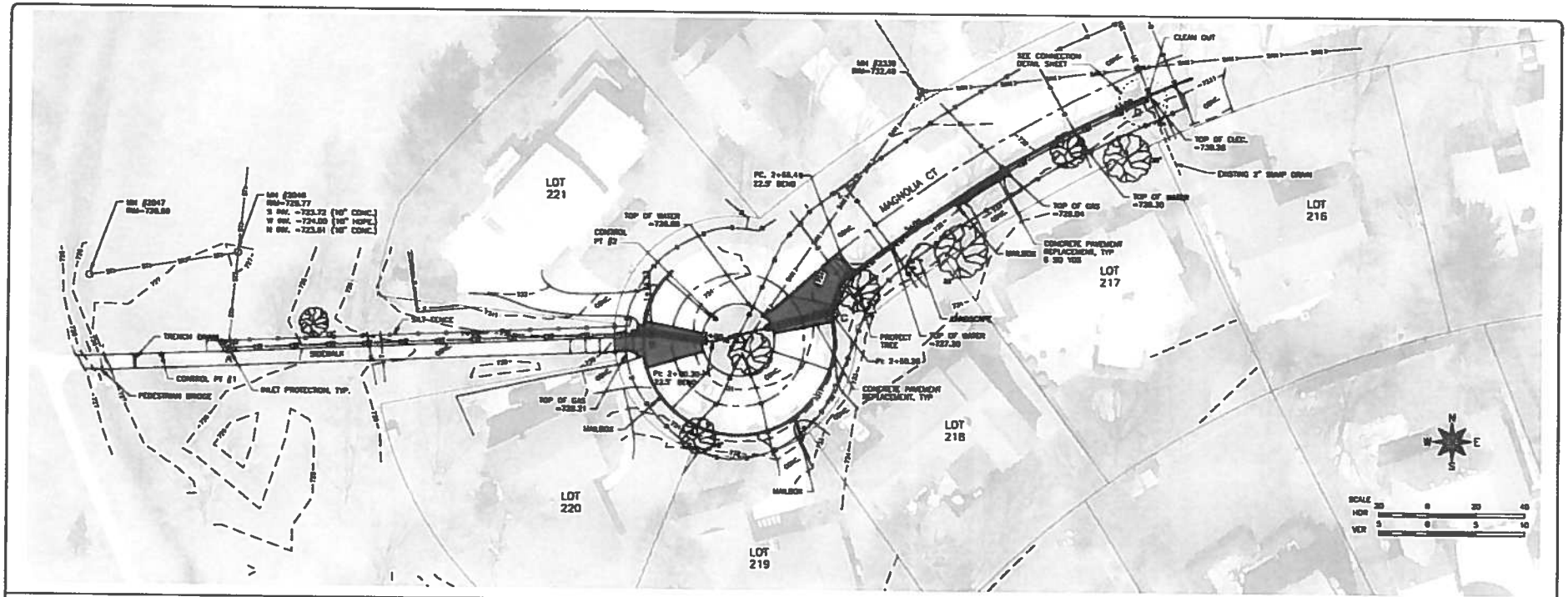
A. Dry weather water outlets are prohibited from discharging directly onto public sidewalks, public streets or driveways within the public right-of-way and are prohibited from discharging in any way that would cause water to flow onto any public sidewalks, streets, or driveways within the public right-of-way.

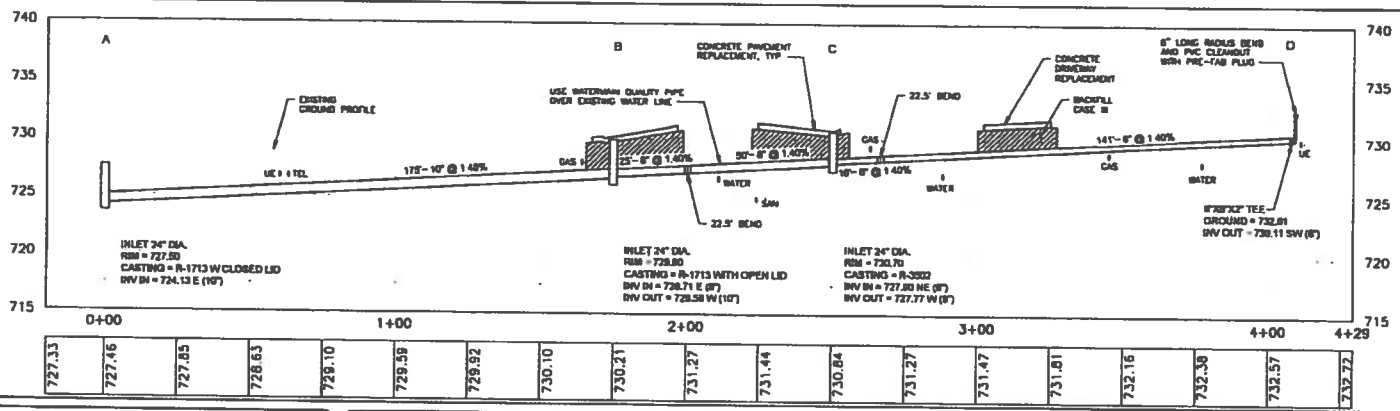
B. Dry weather water outlets are prohibited from discharging onto any public property, public right-of-way, public street or public sidewalk if such discharge creates or contributes to a public hazard or public nuisance.

C. It is unlawful to connect any dry weather water outlet to public pipes, field tile, or stormwater drainage system or to allow the dry weather water outlet to discharge onto any public property without having obtained a permit as required by this chapter.

D. It is unlawful to allow any dry weather water outlet to discharge into or to cause water to flow into a roadside ditch or other drainage ditch or drainage easement without having obtained a permit as required by this chapter.

(Ord. 840201A §§ 3—6)





NOTES:

1. LAYOUT 6" PIPE AS CLOSE AS POSSIBLE TO THE BACK OF EXISTING CURB UTILIZING JOINT DEFLECTIONS AS BENDING.
2. MINIMIZE DISTURBANCE OF TURF AREAS IN FRONT YARDS BETWEEN STORM INLET "C" AND CLEAN-OUT "D". UTILIZE 3' FT MAXIMUM TRENCH WIDTH IN THIS AREA.

CONTROL PT #1 = NAILED "X" ON SIDEWALK
N 1242800.38, E 1008710.14, ELEV. 727.27

CONTROL PT #2 = MAG NAIL WITH FG CAP
N 1242867.57, E 1008838.88, ELEV. 731.46

FEHR GRAHAM
ENGINEERING & ENVIRONMENTAL
ILLINOIS DESIGN FIRM NO. 184-000825

ILLINOIS
IOWA
WISCONSIN

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OWNER/DEVELOPER:
VILLAGE OF SAVOY
611 N DUNLAP AVENUE
SAVOY, IL 61874

PROJECT AND LOCATION:
MAGNOLIA COURT SUMP
DISCHARGE TREATMENT
SAVOY, IL

DRAWN BY: JCB
APPROVED BY: TBJ
DATE: 08/21/20
SCALE: AS NOTED

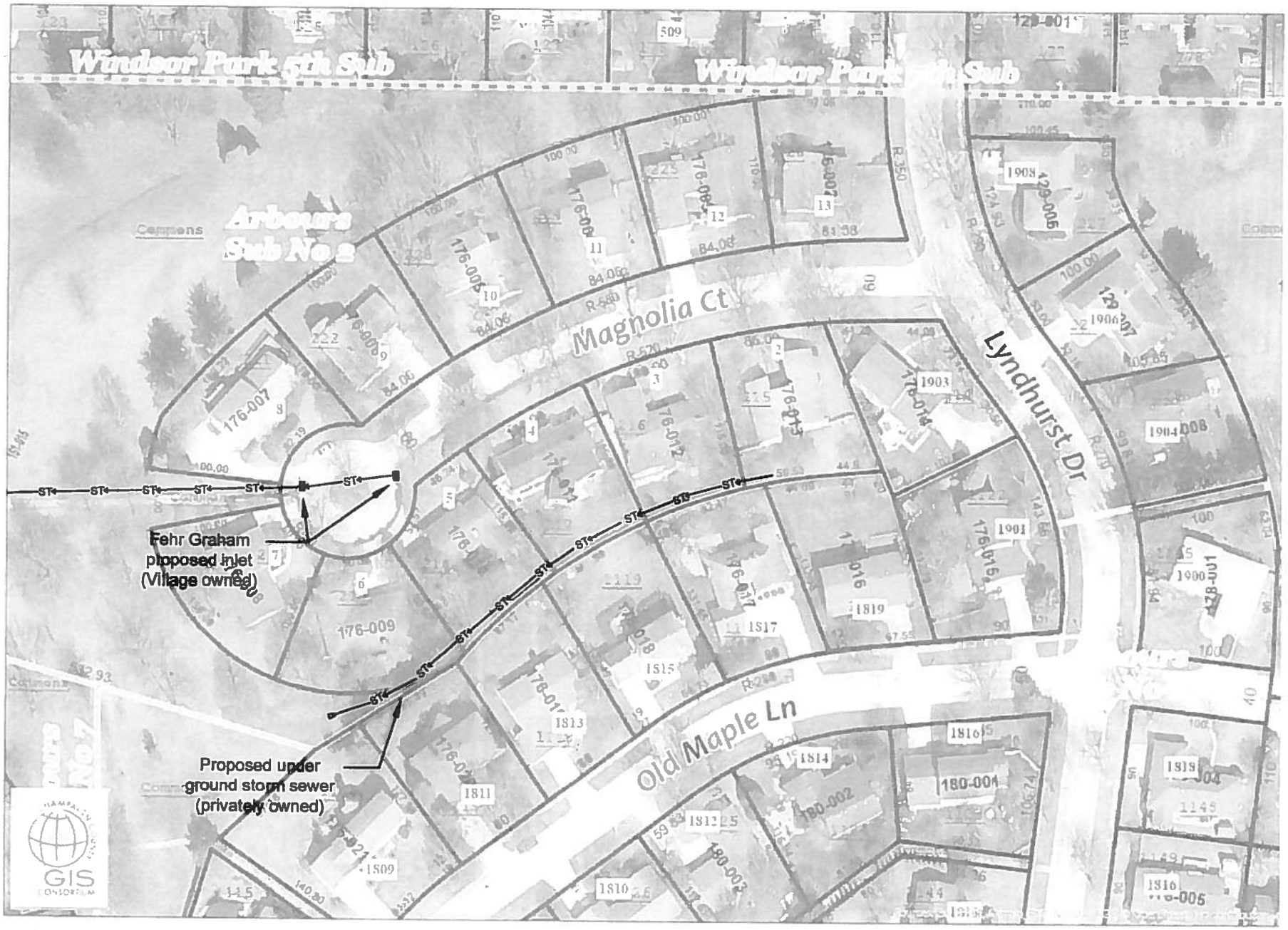
REVISIONS

REV. NO.	DESCRIPTION	DATE

DRAWING: PLAN AND PLOT PROFILE

SET TYPE: FOR BIDDING

JOB NUMBER: 20-622

SHEET NUMBER: 5 of 7

Magnolia Ct. Discharge Treatment