

**CITY OF BATAVIA, ILLINOIS
RESOLUTION 12-52-R**

AUTHORIZING EXECUTION OF THE DRAINAGE POLICY

WHEREAS, the control of storm water runoff is necessary to protect public health, welfare and safety; and

WHEREAS, storm water control structures are located on both public and private property throughout the City and often work together with the creek channels and rivers in an integrated system to manage storm water runoff; and

WHEREAS, proper maintenance and upkeep is necessary and beneficial to maintain the functional ability of these structures to adequately manage storm water runoff for specific properties and areas and the City as a whole; and

WHEREAS, additional structures are necessary and appropriate for better manage storm water runoff in areas where grading may be insufficient and structures are lacking to prevent standing water and to direct stormwater runoff away from such areas; and

WHEREAS, the City of Batavia has identified the need for a uniform policy to be in place for Staff to follow and property owners adhere to;

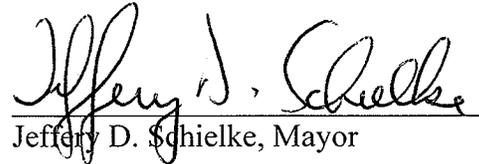
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Batavia, Kane and DuPage Counties, Illinois, as follows:

SECTION 1: That the Mayor and City Clerk hereby adopt the Drainage Policy, in the form attached hereto as Exhibit "1", and that this Drainage Policy be duly followed by City Staff and enforced regarding drainage concerns that may affect the health, safety and welfare of its property owners.

CITY OF BATAVIA, ILLINOIS RESOLUTION 12-52-R

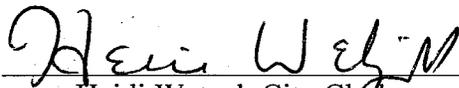
PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 21st day of May, 2012.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 21st day of May, 2012.


 Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien	x				Sparks			x	
2	Dietz	x				Wolff	x			
3	Jungels	x				Chanzit	x			
4	Volk	x				Stark	x			
5	Frydendall	x				Thein Atac	x			
6	Liva	x				Clark	x			
7	Tenuta	x				Brown	x			
Mayor Schielke										
VOTE:		13 Ayes	0 Nays	1 Absent	0 Abstention(s) counted as _____					
Total holding office: Mayor and 14 aldermen										

ATTEST:


 Heidi Wetzel, City Clerk

Drainage Policy

Purpose:

The purpose of this policy is to clearly define the often ambiguous public/private nature of storm drainage concerns often brought to City Staff's attention by establishing a standard procedure. In addition a uniform methodology to develop and pursue recommendations will be defined.

Definitions:

- Applicant:** The individual who makes a request for City assistance in a drainage matter
- City Owned Storm Water Control Structure:** storm water control structure located on City owned property or right-of-way.
- Creek/Channel:** Creek/channel means those natural waterways which as determined by the City Engineer, function and provide necessary storm water drainage within the City.
- The creeks are designated as follows:
- a. Batavia Creek
 - b. Mahoney Creek
 - c. Tributary to Mahoney Creek
 - d. Mill Creek
 - e. McKee Road Tributary to Mill Creek
- The channels are designated as follows:
- a. Braeburn Marsh
- Creek/Channel Maintenance:** Creek/channel maintenance means those activities necessary to maintain the streambank,
- Developed Lot:** a lot of record within which a structure has been constructed.
- Drainage Easement:** recorded document that grants the City the right, but not the obligation, to enter upon the property to maintain stormwater facilities.
- Outlet:** the portion of a storm sewer or ditch and associated structures installed within the public right-of-way or easement that has the hydraulic and structural ability to accept storm drainage from private property.
- Overland Flood Route:** the surface flow of storm water of a 100 year event or greater passing through designated areas as indicated on approved engineering plans.
- Private Overland Drainage:** the surface flow of storm water originating on or passing through private property.

Exhibit 1 of Resolution 12-52-R

Private Storm Water Control Structure: a storm water control structure that is located on private property and for which the City does not have an easement or other right of access or maintenance.

Projects: A majority of projects that are created for the drainage program are initiated by residents/business owners calling or emailing City Staff to issue a complaint about issues such as standing water for excessive periods of time, blocked storm structures, blocked drainage ways or lack of storm sewer. Other projects are created as part of the required maintenance and upkeep of city property such as detention basin repairs and removal of invasive species, streambank stabilization, etc.

Storm Drainage Structures: shall include, but not be limited to, storm sewers, siltation basins, concrete lined channels, concrete head walls, inlets, catch basins, and concrete end sections or spillways, which are part of a storm water retention or detention facility.

Storm Water Control Structure: means those pipes, storm sewers, siltation basin, lined channels, head walls, inlets, catch basins, end sections, spillways and other appurtenances, which are necessary, designed and intended to manage storm water flow, detention and/or retention. A storm water control structure does not include the surface conditions and contours of the property upon which the structure is located.

Surface Maintenance: the normal and usual maintenance of the ground conditions in, over and around the storm water control structures. This includes mowing and removal of debris which accumulates over and around inlets, outlets, manholes, catch basins, and siltation basins. This also includes work to preserve or restore the aesthetic qualities and features of the storm water control structure.

Policy: The Engineering Department is responsible for addressing inquiries and concerns from property owners regarding rear, side or front yard drainage problems on private property in accordance with the City of Batavia Title 11 Subdivision Regulations Section 11-5-2 and Illinois Drainage Law. These problems are understood to consist of standing (ponding) water and overland flow of water (drainage), which may or may not endanger inhabited structures.

It is understood that one or more private properties may be included and may participate in a project. Typical improvements will include storm sewer drainage structures with connecting storm sewer pipe, lawn re-grading to establish drainage swales or berms or the installation of a small flood/retaining wall.

Procedure:

1. When an inquiry is received from a private property owner (See Exhibit A) regarding a drainage problem the inquiry will be directed to the Engineering Department where it will be placed on the Drainage Project List in the order it was received. The information shall include the name, phone number and email address with the property address and a short description of the problem.
2. A site visit will take place by one of the Engineering Staff with the property owner present, if available, to better explain the situation.
3. The site visit will determine the type of drainage problem occurring at said property: blocked drainage route, a sewer obstruction, improperly graded ground adjacent to a storm structure, a violation (landscaping beds, fences, sheds, illegal grading not matching the master grading plan, sump pump or downspout discharge) or the absence of a positive drainage outlet. If the problem is:
 - a. On an **individual lot**, follow the following:
 - i. If the problem appears to be a Public Works issue relating to storm sewers contact the Street Division and someone will be dispatched to evaluate and resolve the problem.
 - ii. If the problem appears to be caused by a violation a written notice will be issued to the violator with a specified time frame to remedy the violation. The more significant the item in violation is, the longer the owner will have to remove the violation, i.e. landscape berm blocking drainage structure = 30 days versus shed in drainage easement blocking flow = 90 days. The exception would be if it is a life-safety issue which requires immediate action or a dependant on the severity of the problem. If the violation is not resolved in the suggested timeframe the case will be turned over to Code Compliance with possible fines.
 - iii. If the problem appears to be caused by a new or recently completed construction project the Engineering Department or Building Division will be referred to the issue for resolution depending on whether it is a grading or a building issue.
 - iv. If the problem is caused by a lack of a master grading plan or the absence of a positive drainage outlet the resident can work with City Staff for technical assistance and a course of action will be dependent on the findings.
 - b. More of a **regional issue**, follow the following steps:
 - i. If the problem affects more than 3 developed lots research will be conducted by City Staff on the parcel(s) to find out what approved documents are on file for either the individual lots or overall subdivision, such as a master grading plan, any relevant permits either on file or lack thereof. After these documents are reviewed with the initial site visit notes a consensus will be determined at the next Drainage Meeting by Staff. The Drainage Committee will determine if additional survey work will be required. No further action will be done until the report/issue is brought to City Services with a project cost.
 - ii. If the problem is affected by an upstream drainage concern such as offsite flows from a neighboring property, which may be unincorporated Batavia or had lesser design standards than prevail today, staff will do a field visit, followed by research and prepare a project summary including costs then bring to City Services to get approval.

4. After the site visit the owners may be notified that the problem does not fall under the jurisdiction of the City. While these issues may not fall under the City's jurisdiction the state drainage laws should be adhered to and prevail.
5. After the property owner receives notice from the City regarding the outcome of the drainage investigation brought to the City's attention by the property owner, the owner will have 30 days to appeal the outcome. In order to appeal the City Staff's recommendation the property owner will need to prepare a letter requesting an appearance at the next City Services meeting to speak about why they disagree with staff's decision and ask for additional aide or assistance. A sample letter for property owners is on the City's Engineering webpage as well as a list of upcoming City Services meeting dates.

Responsibilities:

1. Engineering Department
 - a. The Engineering Department shall have primary responsibility for the record keeping, investigation and analysis of residential storm drainage concerns. This process may include topographical surveying of the area in question as well as technical assistance for the homeowner. Both the Engineering Department and Public Works will meet on a monthly basis to discuss all ongoing problem areas/projects.
2. Public Works – Street Division
 - a. The Street Division shall have primary responsibility for performing maintenance on City owned storm water control structures, right-of-way drainage and creek/channels.

EXHIBIT B

CITY OF BATAVIA DRAINAGE PROGRAM PROJECTS

Current list of projects as of 5/1/12: *rated by project cost, manpower and severity of the problem*

Large Scale

- Dover & Essex
- Batavia Creek
- Mahoney Creek
- Mill Creek @ Deerpath Road Bridge – cleanup detention basin (by owner)
- Garden Court

Medium Scale

- Johnstone Drive – rear yards
- 304 S Jackson Street - rear yards
- Brandywine
- Bluestem / Lexington – rear yards
- Kingsbury Court – rear yards

Small Scale

- 912 Walnut Street – curb & gutter installation
- 809 Pottawatomie Trail
- 443 Ridgelawn – Detention basin clean-up

EXHIBIT C

SAMPLE APPEAL LETTER

City Services Committee
City of Batavia
100 N. Island Avenue
Batavia, IL 60510

Date

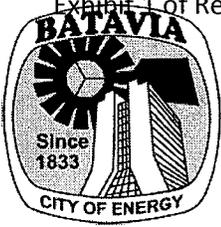
RE: DRAINAGE APPEAL

PROPERTY ADDRESS

Dear City Services Committee,

I recently received a recommendation by City Staff regarding my drainage concern ***please describe here*** at ***property address***. I would like to ***insert your intentions*** at the next City Services meeting, ***add date from list of meeting dates***. Please contact me at (630) xxx-xxxx or via email at ***insert email address here*** if that will be possible with the date and time of the meeting I will be scheduled to appear.

Sincerely,

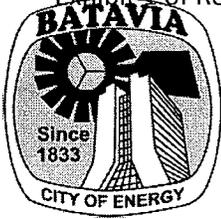


CITY OF BATAVIA

JEFFERY D. SCHIELKE
Mayor

2012 CITY SERVICES MEETING DATES

January 11
February 7
March 6
April 3
May 8
June 6
July 3
August 7
September 12
October 2
November 6
December 4



CITY OF BATAVIA

JEFFERY D. SCHIELKE
Mayor

May 1, 2012

HOMEOWNER
STREET ADDRESS
Batavia, Illinois 60510

RE: OBSTRUCTION OF DRAINAGE EASEMENT

Dear Homeowner,

City Staff recently conducted a site visit on *DATE* to verify the extent of the drainage issue that was brought to our attention on *DATE* by *yourself/neighbor*.

Easement:

After the site visit it was determined that the cause of the drainage issue most likely is because an item is located in the *list type* easement, which is strictly prohibited. The easement language for the plat associated with this parcel is:

INSERT EASEMENT LANGUAGE

Easement language is created to protect the original design intentions for the property, whether it is a single parcel or part of a larger subdivision. The easement and underlying engineering design were approved previously and are not to be altered unless approved by the City Engineer.

Please remove *item* from said easement to alleviate the drainage problem. This letter is to serve as the first notice to have the item removed, as the item being located in the easement is a code enforcement issue. From the date of this letter you will have *30 days / 60 days / 90 days / 6 months* to remove said item. If the obstruction has not been removed at that time enforcement of the City Code will commence.

I have enclosed a copy of the plat for this parcel with the location and dimensions of the easement defined for your reference.

Obstruction:

After the site visit it was determined that the cause of the drainage issue is most likely caused because of an obstruction of the drainage way by *list item*. The drainage way on this lot is not defined in an exclusive drainage easement, rather conveyed throughout the parcel. It is recommended to remove said obstruction in order to determine the part this item had with the drainage concern. If that does not solve the problem please consult the engineering department.

There is an Illinois Drainage law which states that downstream properties must take water from upstream properties as long as it is not at a rate greater than it has previously received the water.

In doing so then you then become upstream from one of your neighbors and convey that same water on to them with the same law in place. This is an individual homeowner concern and problem as the obstruction is not enforceable by any Codes the City has in place. If you need any assistance in finding a solution please do not hesitate to contact the engineering department for assistance at (630) 454-2750.

Landscape:

After the site visit it was determined that the cause of the drainage issue is most likely caused because of an obstruction of the drainage way by landscaping improvements, mainly *list items here. Explain nature of obstruction with swales, inlets, detention basins, etc.*

Option A: Master grading plan approved:

Your lot was part of an approved master grading plan in your overall subdivision. At the time the subdivision was constructed the drainage worked as it was intended to in the approved engineering plans. As landscaping was added it altered the master drainage plan and how water would transverse across your lot. This is an individual homeowner concern and problem as the obstruction is not enforceable by any Codes the City has in place. If you need any assistance in finding a solution please do not hesitate to contact the engineering department for assistance at (630) 454-2750.

Option B: No master grading plan:

Your lot was not part of an approved master grading plan due to the age of the subdivision. Many instances where this is the case the ground was graded to preserve natural features and have a minimal drainage route. As trees mature and additional landscaping is placed it causes obstructions that were not originally visible. This is an individual homeowner concern and problem as the obstruction is not enforceable by any Codes the City has in place. If you need any assistance in finding a solution please do not hesitate to contact the engineering department for assistance at (630) 454-2750.

If you have any questions please feel to contact me at arattray@cityofbatavia.net or (630) 454-2757.

Sincerely,

Andrea M. Podraza, P.E. CFM
Civil Engineer

Cc: File

Enclosure

Selecting a Contractor and the Right Repair for Sewer Cleaning and Repairs

If you are like the majority of homeowners, chances are, you may not know much about plumbing; let alone, in an emergency who to contact and who to trust that the work is done correctly. How do I go about finding a qualified contractor? This can be a daunting and an intimidating task. Not sure where to turn, some homeowners just thumb through the yellow pages and pick a contractor at random. Finding a contractor in the yellow pages is fine. Assuming a contractor is qualified just because they are listed in the yellow pages can be a grave mistake. Always ask the following general questions of any potential contractor.

1. Are you insured? The only acceptable answer to this question is yes.
2. Are you licensed? Many states require that a contractor be licensed for their company to be considered legitimate. The village has a list of contractors that are currently licensed and bonded to work in town. However the village cannot recommend a specific contractor.
3. How long have you been in business and do you have references? This will let you know just how experienced the contractor is. If a contractor acts reluctant to give you this information, it is always best to trust your intuition. A legitimate, qualified contractor will be more than happy to provide this information for you.
4. How much will this cost? This is important! You will need a detailed quote which includes a written estimate. This will include payment terms as well as a materials list. It should also include any additional information or agreements you have spoken about together.
5. Does the contractor provide clean up inside or outside? Is restoration included? If so, have this included in the contract?
6. Can the contractor video tape the sewer line to determine its condition and locate any problems? Will the contractor provide a copy of the video tape of the sewer after televising? Is this included in the price or does the video tape cost extra? This is important to have if you need to have your sewer replaced. It is nice to have for a contractor for any future work. Make sure that you tell the contractor before hand that you would like a copy of the sewer tape.
7. Is your work guaranteed? Will you come back to fix the problem if it returns again? It is always best to pick a contractor who guarantees his or her work.
8. Once you have selected a contractor, they will ask questions as to what the problem is and its frequency prior to their investigation. This investigation, if it does not include televising of the lateral, will yield a possible cause with alternative solutions. These could include simple maintenance or spot repairs or may involve replacement or modifications to your plumbing and sewer service line. Before making a decision on what corrective action is to be taken you should ask a number of questions.