

MINUTES OF THE SPECIAL MEETING  
OF THE VILLAGE OF WESTERN SPRINGS  
PRESIDENT AND BOARD OF TRUSTEES  
Monday, July 27, 2020

President Alice F. Gallagher, Presiding  
Call to Order, 7:00 p.m.  
James Horvath, Acting Village Clerk

Board Members Present

Nicole Chen\*  
Alan Fink\*  
James John\*  
Scott Lewis\*  
Heidi Rudolph\*  
James Tyrrell\*

\*Electronic Attendance – Authorized by  
CDC directive of no more than 10 persons in  
attendance at a group meeting and Illinois  
Governor Disaster Proclamation dated April  
30, 2020 and Executive Orders: Numbers  
2020-32, 2020-33 and 2020-34 dated April  
30, 2020 (Modified “Stay-at-Home” Order).

Others Present

Ingrid Velkme, Village Manager  
Aleks Breidis, Director of Recreation\*  
Grace Turi, Director of Finance\*  
Pat Schramm, Director of IT\*  
Casey Biernacki, Asst. Director of Mun  
Sves.\*  
Brian Budds, Director of LES\*  
Pat Kenny, Director Fire & EMS\*  
Ellen Baer, Director of Admin\*  
John Mastandona, Asst. Dir. Finance\*  
Martin Scott, Director of CD\*  
Elaine Haeske, Deputy Clerk\*  
Michael Jurusik, Village Attorney  
Thomas Burke, Christopher B. Burke  
Engineering Ltd.\*  
Jeff Julkowski, Christopher B. Burke  
Engineering Ltd.\*

**CALL TO ORDER**

The meeting opened at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

President Gallagher led the audience in the Pledge of Allegiance.

## **ROLL CALL (Acting Clerk Horvath)**

As noted above

President Gallagher said that in response to Covid-19, Governor Pritzker issued several disaster proclamations, the most recent on July 24, 2020, which extends the statewide declaration of disaster through August 22, 2020. On July 24, Governor Pritzker also signed Executive Order 2020-48 which extends all Phase 4 orders including suspension of provisions requiring in-person attendance of the public body and sets forth conditions when remote participation is permitted. In accordance with these orders, we are conducting this meeting of the Village Board via teleconference. A conference ID number has been posted on the Village's website and we invite members of the public to remotely attend the meeting. We are making a concerted effort to conduct these special meetings as similar to our regular board meeting format as possible. The public may participate during the citizen comments portion of the meeting.

## **READING OF AGENDA - ADDITIONS – DELETIONS**

There were no changes to the agenda.

## **PUBLIC HEALTH UPDATE**

This is an update that President Gallagher has been giving at every Board meeting since the onset of the pandemic. President Gallagher read the following Public Health Statement

*Today, all regions of the state remain in Phase 4 of the Governor's Restore Illinois plan. In Phase 4, Western Springs, along with communities across the entire state, has seen an increase in the number of reported positive cases of COVID-19.*

*Since the last update, the Governor has further subdivided the four regions into 11 regions. Western Springs is located in Region 10, along with all of suburban Cook County. As the pandemic continues, each region's coronavirus response will determine whether that region remains in Phase 4, institutes a mitigation plan to combat a surge, or advances to Phase 5. To advance to Phase 5, a vaccine or effective treatment must be readily available OR our region must see an elimination of new cases over a sustained period due to herd immunity or other means.*

*Certain health metrics will determine whether a region requires additional mitigation to prevent a full-blown resurgence. These metrics include a sustained increase in a 7-day rolling average (7 out of 10 days) AND either a sustained 7-day increase in COVID-19 type hospital admissions OR hospital admissions that threaten surge capacity, identified as under 20%. A mitigation plan may also be required if our region has 3 consecutive days averaging an 8% positivity rate or greater. As of July 23, the most recent data available when I checked this morning, the IDPH reports 7 days of positivity increases for our region, at 5.3%, and 3 days of increased hospital admissions, bringing the medical and surgical bed capacity to 27% and ICU bed capacity to 35%.*

*For more information on the health metrics and COVID-19 in general, visit the IDPH website at [dph.illinois.gov](http://dph.illinois.gov). Note: the IDPH cautions that all numbers posted are provisional and will change.*

*In Phase 4, gatherings of 50 people or a limit of 50% of a venue's capacity - whichever is less - are allowed so long as social distancing restrictions are observed. For more information regarding Phase 4 guidelines, visit the DCEO's COVID-19 website at [dceocovid19resources.com](https://dceocovid19resources.com).*

*The recent reported health metrics underscore the fact that the virus is still very much with us. The health and welfare of the members of our community is of paramount importance to your Board of Trustees and Village staff. The Village does not receive information apart from the DPH data as we are not a public health agency and do not have a separate public health department. Nor do we have the authority to conduct independent contact tracing in our community. This responsibility rests with the Cook County DPH. Throughout the pandemic we have relied on the advice and guidance of state and federal public health experts to inform decisions and provide data. We will continue to rely on these resources moving forward.*

*What the Village can do is to continue to adhere to the guidelines as we offer more recreational programming. New registration protocols are in place to limit the number of participants and allow for contact tracing, should that prove necessary. We are also redoubling our efforts to communicate with residents on the importance of remaining vigilant, even as restrictions loosen. We are launching a campaign of public awareness to reinforce the importance of wearing face coverings, socially distancing, and washing hands frequently. Look for signs around town, especially in high traffic areas, and posts on social media reminding folks of these precautions. The Phase 4 increase in positive cases are largely teenagers and 20-somethings. If you have children in this age group at home, please speak to them about the importance of following these simple, but effective, guidelines.*

*We all want to get back to normal, but we can only do that by meeting certain health metrics which, currently, are trending in the wrong direction. Do your part to protect your health and the health of those around you. Right now, the best offense is a strong defense.*

*This is a highly contagious disease. Act accordingly. We will get through this, carefully and responsibly, together.*

Director Baer commented on the signage the Village placed around town today which was purchased from Bannerville who recently created signs for WSBA regarding social distancing. Banners and yard signs were created for the Village and the Western Springs Park District. Director Baer thanked Management Analyst Chavez and Building Coordinator Tomczyk for obtaining and placing the signs. A mock-up of the banners and signs were shared by Director Baer on screen. The signs will be a reminder to folks who move about town especially those who are near bigger crowds near restaurants.

President Gallagher thanked Ms. Chavez and Mr. Tomczyk for the signs.

## **PRESENTATION BY CHRISTOPHER B. BURKE ENGINEERING LTD. REGARDING THE SPRINGDALE DRAINAGE STUDY**

Thomas Burke and Jeff Julkowski of Christopher B. Burke Engineering Ltd. (CBBEL) presented the findings of the recent Springdale drainage study which their firm recently completed. Mr. Burke and Julkowski discussed some of the historic flooding that has occurred in the Springdale subdivision, reviewed what the existing drainage system is so that everyone has an understanding

of what is out there and how it works, discussed the modeling work they have done to analyze the area, and presented some of the potential improvement alternatives that they have developed. The two main areas with drainage and flooding problems in the Springdale subdivision are located on Franklin Avenue and at 54<sup>th</sup> & Howard. The flooding problem on Franklin is at the low point of the road, the sag of the road, at 54<sup>th</sup> Street extended right along the curb. The intersection of 54<sup>th</sup> & Howard is another low area that fills with stormwater. Both of these areas have had historic flooding with a couple of severe storm events in the past year, in October 2019 and May 2020. The May event was the worst storm event many residents had ever seen and included over 4' of water ponding at Franklin and 2.5' on Howard. The May 2020 event didn't happen instantly and since they were aware the storm was coming; Christopher B. Burke Engineering staff were able to be out there during the flood and it was important to be able to see some things firsthand to calibrate their model, and to meet and talk to some residents. Several photos from the major flood event in May were shared reflecting several feet of water with a couple of cars lost in the water. The existing drainage system in that area was then explained to the Board. The system works until there is too much water for it and there is not enough capacity in the system.

Mr. Julkowski mentioned the upstream, 30-acre unincorporated Cook County area that drains into the Village which Mr. Julkowski said they noted that a lot of residents seemed to be aware of and which the residents commented on to their staff. While this contributes to the drainage area the Springdale system has to handle, it is certainly not the only part. Even at the intersection of 54<sup>th</sup> & Howard, there is almost an equivalent area, about 25 acres from within the Village that drains to that same intersection. As we continue to go downstream, there is more area that contributes to the system and that all plays a role in what happens and how much flooding that there is. Going further downstream, there are more and more areas that contribute and just by the way that the Village's system is interconnected and the layout of the system and the areas that they drain, we need to look at a much larger system. Almost 300 acres of land and a couple miles of storm sewer were included in the model for analysis to talk about what is going on here in Springdale, two separate outfalls to Flagg Creek. The development of the SWWM model was then explained in depth. Information from the Village's GIS data, field surveying, information from the Village's rain gauge system, and observations made in the field and questionnaires from residents were included in the study. The SWWM model allows for study of how the system performs under different conditions. The May storm event allowed CBBEL to calibrate their model based on actual storm information in three (3) different locations including Franklin Avenue, 54<sup>th</sup> & Howard and Springdale Park which improves the accuracy of the model. Discussion followed.

Mr. Julkowski said the term "100-year storm" means a storm has a 1/100 or 1% chance of happening in one year. A storm's duration also has an effect on flooding in an area such as Springdale. A variety of storm durations were studied, and it was determined that the 2-hour storm is what is critical for this study for Springdale. For this study, "100-year storm" was identified as five (5) inches of rain in two (2) hours. The 10-year storm is identified as three (3) inches of rain in two (2) hours. These statistics, Bolten 75, were recently updated by the Illinois State Water Survey and were increased based on the latest statistics from the State Water Survey which were adopted January 1, 2020 and in general they increased 20-30% over prior year numbers. Discussion followed.

Several possible improvements to the Springdale area were explained. Those improvements will

continue to be refined based on Board feedback to come up with a recommendation to the Village. The cost estimates for those improvements will continue to be refined as more information becomes available. A performance goal and criteria need to be determined. Typically for stormwater, CBBEL would design for a 10-year storm but the 100-year storm is analyzed for extreme risk. If sized for a 10-year storm, there is still significant flooding so 100-year storm design criteria is recommended. Sizing of project elements for a 100-year storm is an incremental cost. In coordination with Village staff, the design criteria were developed that would allow up to a foot of ponding in the streets for a 100-year storm, which is five (5) inches of rain in two (2) hours. With one (1) foot of ponding, the road would remain passable and in this particular location, there would be no homes at risk of flooding. The one (1) foot of ponding is at the curb area which is usually the deepest point. A road is typically arced with the highest point of the road in the center. CBBEL wants the Board's input on this design criteria to make sure it is correct as it impacts design and costs.

Christopher B. Burke Engineering Ltd. shared several possible drainage improvements plans in the Springdale area with the Board. Temporarily storing water in Springdale Park, with the cooperation of the Western Springs Park District, is a possible improvement. Discussion followed. Village Manager Velkme thanked Christopher B. Burke Engineering for their presentation and said there is a lot of information to digest. President Gallagher also thanked Mr. Julkowski and Burke for their presentation and said the next step would be for the Infrastructure Commission and Public Works and Water Committee to review the study.

## **PUBLIC HEARING FOR SPECIAL SERVICE AREA #8 (Ridgewood Oaks)** **Open Public Hearing – President Gallagher**

President Gallagher opened the public hearing at 7:48 p.m.

### **Acknowledgment of Publication and Mailing of Notices – Clerk Horvath**

Acting Clerk Horvath acknowledged publication of the public hearing notice in the Doings newspaper July 2, 2020 edition.

### **Presentation by Staff Regarding Proposed SSA District, Village Attorney Jurusik**

Attorney Jurusik provided an overview of a public, private partnership with the Ridgewood Oaks Homeowners Association in the Village. We are going to be participating in the restoration of a stormwater basin project. This has been in the making for over four (4) years. The drainage basin is actually owned by the homeowner's association and services the Ridgewood Oaks Subdivision, but it also impacts downstream at lower elevation Ridgewood Subdivision. The Village is participating in this project because both the homeowner's association and the Village have been co-permittees on this drainage basin which has been regulated by the Metropolitan Water Reclamation District (MWRD). The reason for the restoration, the reason for the project is that the MWRD issued a compliance order, a notice, that the basin was no longer operating at its initial or original capacity. That is due to nothing that the homeowner's association or the Village has done wrong, it's a function of, overtime, this at-grade, above-grade drainage basin has filled in with sediment, soil, trees have grown overtime. It has just filled in the depression.

This project is all about reconstructing that original basin, improving it, enhancing it, making it work better. That is going to have a benefit, not just for the Ridgewood Oaks homeowner's association subdivision, it is also going to have some tangential benefit further downstream to Ridgewood subdivision. Attorney Jurusik continued, saying that tonight is the light at the end of the tunnel. After tonight's public hearing, the Board has the ordinance that takes the final step to actually create the Special Service Area #8 which is actually a special taxing district. We are using this taxing district method to repay the Village for its funding of the project. The Village is actually funding a portion of the project, twenty-five percent (25%), of the cost as public benefit because of the tangential benefit that the project has on Ridgewood subdivision, the downstream neighbor. We have gone through all the statutory steps up until today over the last six (6) months. The public hearing is the last step. If the ordinance is approved tonight, then the project can move forward because earlier this winter, the Village actually bid the project. We do have pretty solid estimated cost of the project and, also, while there is a sixty (60) day waiting waiver period anytime you create a special service area, the vast majority, almost one-hundred percent (100%) of the townhome owners in Ridgewood Oaks subdivision did submit waivers of the sixty (60) day waiting period. Provided the Board makes a positive vote tonight, the project can move forward because the contractor has already been selected and his numbers are already known to the parties.

To summarize, Attorney Jurusik said that the special service area is really going to function as a method for the Village to temporary loan public funds to pay for the redesign, redevelopment and reconstruction of this drainage basin. The drainage basin improvements, plus a culvert pipe are going to be installed. A portion of the project is going to be built on and impact three (3) Ridgewood subdivision properties, the 915 Linden Court, the 921 Lawn Circle, and 923 Lawn Circle properties. We are getting drainage easements from those three (3) property owners voluntarily to participate in this project. The president of the Ridgewood Oaks subdivision homeowner's association has contacted the Village with regard to two (2) alternates. Part of the project was bid with two (2) alternates. The homeowner's association has selected two (2) alternates that will reduce the overall cost of the project which really should have no impact and there is no objection from Village staff to the alternates. The actual estimated project cost was \$753,466. The Village's public benefit would be \$188,366 for a total project cost of \$565,100. With the two (2) alternates that the homeowner's association is suggesting, that would be a \$66,000 reduction in the overall project cost so the Village's twenty-five (25) contribution will be reduced incrementally. Attached to the ordinance is Exhibit C which provides for a ten-year (10) repayment schedule by the homeowner's association. Payment one (1) will be front loaded at \$104,000 and then over the next nine (9) years, the payments will reduce to approximately \$70,000, \$68,000, \$66,000, \$64,000, \$62,000, \$60,000, \$58,000, \$57,000 and \$55,000 per year. The Village will pass every year a levy ordinance to levy each of those proposed annual levies. Those numbers may adjust slightly depending on whether the project comes in under or over budget. That is a rough amortized payment schedule. There is an interest component on the money the Village is using, and it is three and one-half percent, 3.5%. Exhibit C, the repayment schedule, does factor in that 3.5% interest rate.

This special assessment is similar to that which the Village created for Timber Trails. It has a dormant component. The special assessment is being created to do this restoration project and it will last ten (10) years. Once the ten-year (10) period is up and the homeowner's association has

repaid the Village for the principal and interest on the project, that obligation drops off but the special service area (SSA) district will continue to exist in a dormant state. They won't pay any additional taxes to the Village unless another project dealing with this basin has to be undertaken. The reason why we do a dormant SSA district is that we have a third-party governmental agency, MWRD. They are the permitting agency, and, in part, it has taken us four (4) years to get going and to get to this point to restore this basin. Now that we have the taxing district in place, we leave it in place going forward, on a perpetual basis, and if we ever run into this issue, twenty (20) or fifty (50) years down the road, the parties can much more efficiently come back to reaching an agreement on financing any additional rehabilitation or restoration on the drainage basin and then can use this special taxing district to help with the financing of that project.

### **Questions and Comments by Residents within Proposed SSA District**

Attorney Jurusik noted that three (3) members of the homeowner's association were present at Village Hall: Harold Holm asked if it had been determined when the project was scheduled to commence. Assistant Director Biernacki said we do not have a start date yet. There are some utilities that are in the way right down and the Village is trying to get them relocated. They are utilities that are third party such as ComEd and Comcast. If the SSA went through today, then the Village would be able to issue a Notice to Proceed to our contractor, but we do not have a date to start just yet per Mr. Biernacki. Discussion followed. Mr. Holm requested that the Village provide adequate notice to address any parking restrictions and to insure all third parties are notified so that there are minimal disruptions to internet and cable television service to the homeowners. The goal is to have the project substantially complete in 2020. Mr. Biernacki said homeowners will definitely receive notice of start date. The project will also be updated on the Village's website, Ridgewood Oaks project page. Attorney Jurusik said we will make sure that staff provides information to the homeowner's association President Stan Heidelmann so that he can forward information to residents, too.

Attorney Jurusik said Edward and Dale McFadden were also in attendance at Village Hall. They had no questions at this time.

Ridgewood Oaks resident Alexa O'Donnell addressed the Board and expressed concern with moving forward with formation of this special service area number 8. Mr. O'Donnell said he did not know how his board could deal with this type of this project and agree to these figures. He doesn't think that the residents fully understood that the public hearing was going to move this project forward. Mr. O'Donnell said that there should be a larger public benefit contribution made by the Village. Mr. O'Donnell said he did not receive waivers nor was he aware of any other residents who had.

President Gallagher said this project has been in the works for three (3) years, maybe longer, and the Village has worked with the HOA President throughout. Many of the issues Mr. O'Donnell raised have been addressed in previous meetings. Frankly, this detention basin is something that was established many years ago, well before Ridgewood Oaks was even a part of Western Springs. Over the years, the erosion, through lack of maintenance has caused the original intent of the detention basin to fail. Now it is up to the current homeowners to correct the detention

basin and bring it back up within the MWRD's permit. It is not our permit, it is the MWRD. President Gallagher said she would be happy to discuss this further with Mr. O'Donnell at another time. President Gallagher said that the Village is sensitive to the costs and that is why the Village has offered to front the money with a ten (10) year payback.

Ridgewood Oaks resident Mr. Steve Yonke said there are two main issues that he feels need more time to deliberate on and to communicate to the residents at Ridgewood Oaks. Mr. Yonke does not feel this public hearing should be considered a formality to continue with the project. Mr. Yonke said his second issue is with the communication to the residents and the expected tax burden. He believes that would materially change the opinion of the residents on the project.

Village Attorney Jurusik said with regard to the sixty (60) day waiting period, before the Village spends significant resources such as legal or engineering on a project like this, we seek waivers from the people in the district so that we do not go down a path where ultimately the project is objected to so that we are not wasting taxpayer money. That was done in this case and we have almost unanimous support with objection waivers. Secondly, we do not want to mis-represent the tax obligations for the residents. Nobody is doubling or tripling the tax burdens for the folks out here. The tax range is a not to exceed of seven and one-half, 7.5%, percent, the operative word is not-to-exceed. The amortization schedule that is Exhibit C to the ordinance sets forth the anticipated tax burden that is going to be shared by sixty-two (62) relatively equally assessed units out in Ridgewood Oaks. In the first year, it is \$104,000. Sixty-two (62) divided by is about \$1,600 a year, in year one. Then the cost drops to \$70,000, then it drops by year ten (10) to \$55,000. The tax burden is not going to be two (2) or three (3) times the cost. Attorney Jurusik said that a few other things to think about is that when you do a special service area, the additional tax that gets assessed to pay for this obligation goes on your tax bill. While Attorney Jurusik cannot give you a legal opinion on the deductibility of that, may have the opportunity to deduct that, and in most of his experiences, over thirty (30) years of experience, most will accept the deduction so that is a benefit to being involved in an SSA. One has the potential to deduct that portion of your expense because it shows up as part of your tax bill.

Attorney Jurusik said there is a public benefit. This is truly a private basin that, if the Village was not a co-permittee on it, the Village would have no obligation to participate so the homeowner's association is getting a twenty-five percent (25%) contribution from the Village for what is really a private drainage basin restoration project.

Resident Dale McFadden asked if the basin was put in by the company that built Ridgewood Oaks. Attorney Jurusik said that is our understanding, that the original developer put in the basin at the time of the construction of the original townhome development, based on the age of the subdivision and the permitting that has come out of Ridgewood Oaks subdivision, the Metropolitan Water Reclamation District (MWRD) documentation. The MWRD documentation, based on the age of the permitting, ties into when the development appears to have been built out. Attorney Jurusik said this is a compliance action. If nothing is done, ultimately MWRD is going to go to court and force that the drainage work be done. The homeowner's association would incur more costs fighting them on that. Attorney Jurusik said the whole point of the partnership was to provide some benefit to the homeowner's association who we are aware were going through other infrastructure, roof, and other special assessment

projects, to deal with long-term and deferred maintenance of other aspects of the development, so the Village looked to assist the homeowner's association by funding this project and extending the normal repayment period over a ten (10) year period.

Residents Mr. O'Donnell and Mr. Yonke both requested the 60-day waiting period be left in place. Attorney Jurusik commented that the project has already been put out to bid and the Board and the association does have a competitive bid price being considered tonight. Discussion followed. President Gallagher said the Board can delay this project until the next Board meeting on August 17, 2020. This project is being done for the Ridgewood Oaks homeowner's association, not the Village's benefit. If the association would rather go it alone, then that is a decision that the homeowner's association makes.

Trustee Tyrrell asked what delaying the vote until August 17, 2020 does. As he understands it, there are 62 units and 60 units have signed the waivers, and while he respects the opinion of the two (2) people from Ridgewood Oaks who spoke today, he asked if this would put the project behind substantially by doing this. Assistant Director Biernacki said yes it will. The Notice to Proceed was supposed to be issued today, after this meeting, to the lowest bidder, so basically this puts everything on a halt until August 17, 2020. This will delay things a couple of weeks but it does give us some time to have the utilities moved out of the way but if the utilities are moved and we don't complete this project, then we have to have another discussion as well because they re-locate utilities at a cost. A few weeks delay should not increase the bid project cost. Assistant Director Biernacki said there should still be sufficient time to substantially complete the project by the end of the year. If the weather turns, there is a chance the project could not be complete this year.

Stan Heideman, Ridgewood Oaks Homeowner's Association President, requested access to call into the meeting. Director Schramm directed him to the link on the Village website to allow him to be added as an attendee. Mr. O'Donnell noted that the Ridgewood Homeowner's Association has a Board meeting on August 10, 2020 and requested that the decision to move forward be delayed until after that meeting to make sure all the residents are fully understanding. Mr. Heideman successfully joined as an attendee.

Mr. Heideman said he has been President of this Association since 2017 and actually at one of the first meetings he went to after he was elected, this whole issue came up, so this has been going on since the summer of 2017. During the course of the last three and one-half (3.5) years, this subject has come up in various meetings. President Gallagher has been in attendance at the homeowner's meetings on two (2) occasions as well as Director of Municipal Services Supert, explaining the situation to all the residents. In 2017, the residents actually voted to go the SSA route because of the financial benefits to the association. Mr. Heideman said he is not sure whether or not all the residents kept themselves informed as quarterly meetings and annual meetings, but this has been an issue that has been ongoing. Mr. Heideman said he personally had met with the engineer on numerous occasions about the design, the special alternative bids in order to hold the price down. Mr. Heideman said, in his opinion, and added that he is an engineer who has been in the construction industry for nearly fifty (50) years, this project is a benefit to us financially. If the association had to go out and do this on our own, it would probably have cost more. Mr. Heideman added that he and the Board have seen the bids that

have come in, which were competitive. Mr. Heideman spoke with the Village Engineer about the bids which were bid back in January and February of 2020. In Mr. Heideman's opinion, what has taken place over the last three and one-half (3.5) years and what has been addressed, all the owners, whether they decided to be involved or not, they basically had approved this whole program three and one-half (3.5) years ago. Residents had to sign a statement back in 2017 basically approving this process. Mr. Heideman said he just wanted to clarify from the Board's point of view what has taken place over the three and one-half (3.5) year time, what dialogue has taken place during those periods of time, and what information was sent because we were told that this project would eventually be in the \$450,000 to \$500,000 probably for the last one and one half (1.5) to two (2) years.

After discussion and at the request for residents O'Donnell and Yonke, President Gallagher polled the Board on whether to table this matter until August 17, 2020. Trustees Chen, Fink, John, Lewis and Rudolph agreed to wait to vote on this matter until August 17, 2020. President Gallagher and Trustee Tyrrell preferred to vote this evening. With the majority agreeing to wait, President Gallagher asked for a motion to continue the public hearing and consideration of approval of the ordinance creating the special service area to August 17, 2020.

MOTION:

Trustee Fink moved, seconded by John, to continue the public hearing on the proposed Special Service Area District until August 17, 2020 at 7:00 p.m. and to postpone consideration of approval of the ordinance establishing Special Service Area Number 8 (Ridgewood Oaks) in the Village of Western Springs for the Construction and Funding of the Ridgewood oaks Subdivision Detention Basin Project and Formation of a Dormant Maintenance, Repair and Replacement Service Area for the Ridgewood Oaks Subdivision Detention Basin.

The motion passed on a roll call vote. Voting aye: Trustees Fink, John, Lewis, Rudolph and Chen. Voting nay: Trustee Tyrrell. Absent: None.

**Questions and Comments from the Public and Press**

There were none.

**Questions and Discussion by Village Officials**

There was no further discussion.

**Close Public Hearing – President Gallagher**

President Gallagher closed the public hearing at 8:43 p.m.

- 1) ORDINANCE NO. 20-????      ESTABLISHING SPECIAL SERVICE AREA NUMBER 8 (RIDGEWOOD OAKS) IN THE VILLAGE OF WESTERN SPRINGS FOR THE CONSTRUCTION AND FUNDING OF THE RIDGEWOOD OAKS SUBDIVISION

DETENTION BASIN PROJECT AND FORMATION OF A  
DORMANT MAINTENANCE, REPAIR AND  
REPLACEMENT SERVICE AREA FOR THE RIDGEWOOD  
OAKS SUBDIVISION DETENTION BASIN (Fink)

*Vote postponed until August 17, 2020.*

**PROSPECT AVENUE CATALPA TREE**

Assistant Director Biernacki provided history and background on the tree as well as staff's recommendation to remove the Prospect Avenue Catalpa tree. The Village has received numerous inquiries related to the proposed removal of the Northern Catalpa tree on the corner of Prospect Avenue and Reid Street in relation to the 2020 Prospect Avenue Improvements Project. Residents began contacting staff during the week of July 13<sup>th</sup> and provided the Village with a wealth of historical knowledge and personal stories related to the Northern Catalpa. The Catalpa nicknamed the "Keebler Tree", was originally a part of the Vaughn's nursery, prior to the construction of the southwest corner of Old Town North. The Keebler Tree is estimated to be 80-100 years old. The tree in question is planned for removal due to the following:

**Existing Tree Condition** – The Village received grant funding from the Illinois Department of Natural Resources (IDNR) via the Morton Arboretum in 2020 to complete a tree inventory and assessment of all public trees. The Illinois Certified arborists contracted to perform the inventory rated the Northern Catalpa a 5 out of 6, with 6 being a dead tree. The criteria for a tree rated a 5 is below:

*The tree is not typical of the species and /or has over 50% deadwood in the crown, major decay or structural problems, is hazardous or is severely involved with insects, disease or other problems that even if aggressively corrected would not result in the long-term survival of the tree.*

The unique shape of this tree is the result of the poor location and years of improper pruning, mostly by ComED to ensure the tree did not impact overhead wires. A healthy Catalpa tree of this maturity would be approximately 40-60' in height. It would also have a significantly different shape and profile.

**Impacts from Roadway Construction** – The reconstruction of Prospect Avenue requires the removal and replacement of all existing curb, roadway pavement, and portions of the roadway base. On average, this results in excavation occurring vertically 24"-36", spanning from 1' behind the curb on both sides of the street. The existing tree is inches away from the existing curb line, which will result in impacts to a large portion of the root structure.

**Reid Street/Prospect Avenue Turning Radius Changes** – The turning radius of Reid/Prospect is being adjusted to meet current Illinois Department of Transportation (IDOT) standards. The adjustment allows for the safe travel of cars, along with larger vehicles (snowplows, garbage trucks, delivery/moving trucks, etc.) around the corner. The existing radius is very close to the standard, but the new proposed curb will need to move a few inches closer to the tree. The

adjacency of the tree to the existing curb line also creates a sight line issue for vehicles in the area.

As it has for over 35 years, each year the Village strives to retain the title of Tree City USA. The Tree City USA status stresses the importance of a healthy urban forest, which often requires the removal of poor-quality trees coupled with diverse re-plantings. Trees are one of the greatest assets to the Village, but they can quickly become safety and financial liabilities once their health declines.

The Village of Western Springs is a member of the Intergovernmental Risk Management Agency (IRMA), a municipal insurance pool, with over 70 suburban members in the seven-county metropolitan area. In addition to insurance, IRMA provides risk management services including legal guidance in situations like this. They have reviewed the issue in depth and informed us that removal is the recommended option to protect the Village from safety and financial liabilities.

The Department of Municipal Services concurs with IRMA and recommends that the tree be removed due to the reasons outlined in this memo.

The outpour of public feedback continues to be beneficial for planning next steps. The Village has scheduled a resident open house for **Wednesday, August 5, 5:00 – 7:00 pm** at the location of the Northern Catalpa. Residents are invited to arrive at any time during the open house hours, to meet with staff and provide feedback on potential replacement option and ideas on memorializing the tree.

Village Manager Velkme and President Gallagher also commented on the need to remove the tree. Trustee Chen asked Mr. Biernacki to comment on the new storm sewer structure the Prospect Avenue project provides as well as the green infrastructure improvements at Reid and Prospect Avenue. Trustee Chen added those are important components especially as the Village sees flooding in areas of town. President Gallagher said nobody on staff, or the Board, wants to take down a tree and concluded by saying there is no viable option with the tree. The tree is suffering and distressed and the work at that intersection will cause it to undergo more stress, will impact the root system and it presents a liability issue to the Village.

Assistant Director Biernacki provided an update on the Central Avenue Reconstruction and Stormwater Improvements. Mr. Biernacki said our Phase I report was submitted to IDOT back in May. They submitted comments back to us. Village staff resubmitted again at the end of May with those comments answered and we are waiting to hear a final “yes” on our Phase I report. They did give us the go-ahead to start Phase II and a lot of Phase II engineering work does happen within Phase II. Mr. Biernacki said we are underway with Phase II engineering and IDOT wants to see our Phase II submittal to them by the end of September with the project really not ready to bid until late 2020 or early 2021. Mr. Biernacki said staff will have another resident meeting with Central Avenue residents as we approach the latter part of Phase II design and we have a little more that we can show and present in terms of knowing where we are looking to be at final design. Staff will take comments and talk about construction and go from there. Phase I really does round out a lot of questions about street width and where the sewer is proposed to be located. There is a Spring Rock Park public comment period right now which started on July 20, 2020. The Village

and the Park District both posted information about what that means on our websites. In short, the federal government would like us to ask for public comment on any impact it may have on the park as part of our project. Mr. Biernacki said the impacts are minimal, but we still have to ask. If anyone has public comment, they should submit to Director Supert at [msupert@wsprings.com](mailto:msupert@wsprings.com) as well as on the front page of that posting.

## **CITIZEN COMMENTS**

Village President Gallagher asked Director of Technology Schramm to explain the problem with the public comments link which was brought to our attention today. Director Schramm explained that the agendas are scanned and uploaded to the Village website. The website's optical character recognition failed to read the email address correctly. The agenda was rescanned today at a higher resolution and re-uploaded to reflect the proper address in the hyperlink created by the Village website. Village Manager Velkme did receive two (2) emails with public comments today at [publiccomment@wsprings.com](mailto:publiccomment@wsprings.com).

Resident Mary Jo Lopez, who lives on Franklin in Springdale, said she listened to the Springdale Drainage Study presentation earlier this evening regarding the Springdale drainage study. She wanted the Board to be aware that more than one (1) or two (2) residents had flooding in the May 2020 storm event. One of her neighbors had water coming in through their bathtub on their first floor. Ms. Lopez had water in her basement, and she added that more than a couple of houses got water and repeatedly got water from these heavy storms that have been coming over the last few years. President Gallagher said the study discussed this evening is the first step and the Public Works and Water Committee will review that study with recommendations for solutions.

Village Manager Velkme read into the record public comments emails she received from residents Matt Potthoff and Lisa DenBesten regarding the Prospect Avenue Catalpa Tree and their wish for the Board to reconsider the removal of the tree at Prospect Avenue and Reid Street.

Village President Gallagher said we understand that people have very special feelings and memories about this tree and our staff has come up with a very unique way to memorialize the tree and hopefully give growth to new trees that will also create new memories for us to cherish in the future.

## **ACTION ITEMS – SPECIAL MEETING AGENDA**

President Gallagher asked that agenda items 5 and 7 be removed from the omnibus voting list as they related to the Ridgewood Oaks Detention Basin project. These items will be considered at the next Board meeting on August 17, 2020.

## **CONSIDERATION OF AND ACTION ON AGENDA ITEMS**

### **EXPLANATION OF OMNIBUS VOTING PROCEDURE**

President Gallagher stated that the Illinois State Statutes allows a municipality to collectively vote on a group of ordinances, resolutions, and other motions, such as awards of contract, appointments,

etc. This is known as an omnibus vote. All the items contained on the omnibus vote list have been previously discussed by the President and Board of Trustees on at least one occasion, and often on several occasions. By placing them on the omnibus vote list, a single vote may be taken to approve them. A Trustee may remove any item from the list and have it discussed and voted on separately, prior to the omnibus vote. There were no changes.

### **CONSIDERATION OF AN OMNIBUS VOTE (\*)**

Trustee Tyrrell moved that the following ordinances, resolutions and motions as contained on the meeting agenda for July 27, 2020, be adopted and/or approved under an omnibus vote:

- 2) \*APPROVAL OF MINUTES OF THE MEETING OF JUNE 22 AND JULY 13, 2020 AS READ
- 3) \*ORDINANCE 20-3011 AMENDING TITLE 8 (PUBLIC WAYS AND PROPERTY) OF THE WESTERN SPRINGS MUNICIPAL CODE TO ADD A NEW CHAPTER 14 (ILLICIT WATER DISCHARGE DETECTION AND ELIMINATION REGULATIONS
- 4) \*RESOLUTION 20-2559 PROVIDING FOR AND REQUIRING THE SUBMISSION OF AN ADVISORY PUBLIC QUESTION TO APPEAR ON THE BALLOT OF THE ELECTORS OF THE VILLAGE OF WESTERN SPRINGS, COOK COUNTY, ILLINOIS AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2020, CONCERNING THE OPERATION OF CANNABIS BUSINESSES IN THE VILLAGE
- 6) \*RESOLUTION 20-2560 APPROVING BUDGET AMENDMENTS AND A TRANSFER OVER \$10,000.00 TO THE FISCAL YEAR 2020 OPERATING BUDGET IN THE GENERAL AND BURLINGTON NORTHERN FUNDS
- 8) \*MOTION TO APPROVE BOARD AND COMMISSION RE-APPOINTMENTS AS FOLLOWS:
  - A) Re-appointment of Shawn Murphy as Member of the Infrastructure Commission for a three-year term to expire in June 2023; and
  - B) Re-appointment of John Brooks, Thomas Kelly and Jose Venegas as Members of the Transportation and Safety Commission for a three-year term to expire in July 2023.

The motion was seconded by Trustee Rudolph.  
The motion passed on a roll call vote.

Voting aye: Trustees Tyrrell, Rudolph, Lewis, John, Fink, Chen and President Gallagher.  
Voting nay: None.  
Absent: None.

### **OTHER BUSINESS**

There was none.

## REPORTS

### 9) MONTHLY FINANCIAL REPORT – (Rudolph)

Trustee Rudolph presented the June monthly report. The Police Pension Fund posted positive results in June with an unrealized gain of one point eight, 1.8%, and a trailing 12-month return of five and one quarter, 5.25%. Last month Trustee Rudolph reported a 12-month trailing return of just over eight, 8%, so that has now dipped back down. Our return on investment assumption that we use for projections is six and three quarters, 6.75%, so we are now trending back below that. These results continue to reflect the volatility of the market in 2020.

The General Fund ended June with a small surplus. We are starting to see the effects of COVID-19 as we had projected two meetings ago. The sales tax revenue for sales made in May and collected in June were 15% less than the previous year. All fines are lower than projected as a result of less traffic and parking, for example. Income taxes (LGDF) continue to meet projections for this time period although the Illinois Municipal League anticipates a 10% decrease in those revenues by year end. Income earned on investments has flattened as all federal fund rates are really difficult, so it is pretty difficult to make any sort of gains on any type of short-term investments.

Facing these revenue shortfalls, Village Manager Velkme has asked each Director to review his or her area and reduce their budgets accordingly. The General Fund budget was amended by approximately two hundred fifty thousand dollars, \$250,000, to reflect these reductions in revenue.

The consumption billed in the Water/Sewer Fund in June, representing usage from March 12 through May 14, was fourteen, 14%, greater than last year. Trustee Rudolph said we can surmise that is right when the lockdown began and so everybody was at home during that time period so that seems to make sense in terms of that water consumption. The surplus amounts in this fund continue to increase as the funds are accumulated for their annual debt service payments that are still required.

Trustee Rudolph reminded everyone that vehicle sticker payments are due. We have fewer payments in than we normally do at this time of year. This is just a reminder for that.

### MOTION:

Trustee Rudolph moved, seconded by Chen, to accept the June financial reports as reported.

The motion passed on a roll call vote.

Voting aye: Trustees Rudolph, Lewis, John, Fink, Chen and Tyrrell.

Voting nay: None.

10) VILLAGE PRESIDENT GALLAGHER

President Gallagher said she forwarded agendas and supporting documents from two (2) meetings she attended last week. Our Council of Government Central Transportation Committee and the Aging Options legislative updates. If anyone has any questions or comments, President Gallagher encouraged them to call her to discuss.

11) VILLAGE MANAGER VELKME

Village Manager Velkme asked Chief Budds to comment on recent crime activity in the area. Chief Budds reported on three (3) scams in which local and regional law enforcement are seeing an uptick. To a degree, they are all affiliated with the pandemic that we are all dealing with now. Chief Budds said the Illinois Department of Employment Security (IDES) scam has been well publicized in major media. We have received several complaints from victims in Western Springs. Fortunately, nobody has lost any money or suffered any financial loss, but several people have received the IDES Key Bank debit cards that people receive in the mail. Chief Budds stressed not to activate that card. It is a fraudulent card which has nothing to do with IDES. These cards are delivered to residents who have never applied for any assistance or unemployment benefits. Residents who receive those are advised to either make a report with IDES or our police department to make a report so that we can provide information to the resident on what to do. It is also recommended that residents who receive that card flag their credit report because if that card is received, there is a good chance that somebody may have your identification or social security card. Chief Budds implored residents to be on the lookout for that.

Chief Budds said utility scams are also happening. The department has received a couple of calls of people posing as utility company workers, gas or electric. They contact residents, even in some instances in other communities, going to the resident's door and threatening resident with immediate disconnection of the service, suggesting last payment did not go through, encouraging early payment that will earn the customer a credit. Chief Budds said law enforcement believes these scammers are capitalizing on people being home during this pandemic and maybe experiencing financial crisis. Other tactics include a pre-recorded call to residents' homes, possibly a robot call, and in some cases displaying an actual caller id with what appears to be a utility name. Immediate payment will be demanded by a pre-paid debit card. Chief Budds stressed that no utility company is ever going to ask for this information over the internet or on a phone call. If this happens, Chief Budds urged residents to hang up immediately and contact the police department for further instructions.

Chief Budds also mentioned a contact tracer scam that has been going on in Cook County. These will appear as a form of text messages or telephone calls seeking money or social security, bank account or credit card numbers along with other sensitive information that is never required for authentic contact tracing. They will often start the

call by stating that you were exposed to someone with COVID-19. They mention fake fees for the service and try to get you to hand over your social security number. No legitimate service will ask for that over the phone or in person. Real contact tracers would already know things about your personal information. They would never have to ask for that over the phone. Real contact tracers don't reveal the identity of the person who tested positive. Chief Budds said there are no known cases of this scam that have occurred in Western Springs, fortunately, but he wished to take this opportunity for people to be aware of these things. Chief Budds recommended that everyone follow the police Facebook page for information and updates. If anyone has any questions, Chief Budds encouraged them to contact our crime prevention officer at 708-246-1800 extension 164.

Village Manager Velkme reported that we do have construction now in the Administrative Offices. We are creating more space for social distancing and we will be re-doing the front counter also which will make it safer for our residents to do business in the building. Please have patience with us at this time.

Regarding the catalpa tree, Village Manager Velkme said no one wants to take that tree down. She knows this is an emotional issue for some and it is a beloved tree. Village Manager Velkme said she has been working in risk management for about thirty (30) and most of those years have been here in the Village of Western Springs. She has seen trees come down that actually have full crowns. She does have a very big concern with a tree that may have a green crown on it but is hollow in the middle. She has seen these cases before and sometimes they just do not end up very good so she would highly recommend that we follow our staff's recommendation to take the tree down. We will do as much as possible to commemorate the tree.

12) VILLAGE ATTORNEY JURUSIK

No report.

**ADJOURN**

MOTION

Trustee Tyrrell moved, seconded by Chen, to adjourn the meeting at 9:22 p.m.

The motion passed on a roll call vote.

Voting aye: Trustees Rudolph, Tyrrell, Chen, Fink, John and Lewis.

Voting nay: None.

Respectfully submitted,

  
Acting Village Clerk James Horvath

## Elaine Haeske

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**From:** Public Comments  
**Sent:** Monday, August 17, 2020 2:41 PM  
**To:** Elaine Haeske  
**Subject:** FW: wrong public comment email address (Keebler tree)

Attach to  
approved  
Board meeting  
minutes

**From:** Lisa Den Besten <ladenbesten@cs.com>  
**Sent:** Monday, July 27, 2020 2:01 PM  
**To:** Public Comments <publiccomment@wsprings.com>  
**Cc:** Alice F. Gallagher <agallagher@wsprings.com>; Nicole Chen <nchen@wsprings.com>; James John <jjohn@wsprings.com>; Alan Fink <afink@wsprings.com>; Scott Lewis <slewis@wsprings.com>; Heidi Rudolph <hrudolph@wsprings.com>; James E. Tyrrell <jtyrrell@wsprings.com>; jhorvath@springs.com; Ingrid Velkme <ivelkme@wsprings.com>; Casey Biernacki <CBiernacki@wsprings.com>  
**Subject:** wrong public comment email address & my comments on Catalpa tree (Keebler tree)

Hello,

I am emailing you to save our beloved catalpa tree, commonly known as the Keebler tree, on Prospect.

First, you should know that the board agenda document available on the website, has a **bad link for the public comment email address**. It goes to [publiccomment@wsprings.com](mailto:publiccomment@wsprings.com) (unless the village is now hosting a different website called 'wsprings.com', which I suspect is unlikely). Therefore, you may not get as much public comment as was sent to you. Many residents may be sending their comments to an invalid email address. This email address was correct in the May agenda, but was bad for the last few meeting agendas.

Regarding the historic tree:

I appreciate the time and effort that the village staff, and President Gallagher, have taken to review this situation and consider the residents' points of view. They have been generous with their time, explaining the situation to several of us, so we can better understand the village perspective. With their assumption that we will lose this unique and special tree, they came up with an innovative way to keep its memory alive: to hire a wood carver to fashion a unique elf-like house design formed from the base of the removed tree. I appreciate that concept but do not want to lose the Keebler Tree from our neighborhood. Some points for your consideration:

1. Other arborists contacted by nearby residents, including Max Potthoff, who has a Masters in Forestry from Yale University, and is from the Old Town North area, support retaining this unique and historical tree. Therefore, this one rating, which many of us disagree with, should not be the only rating used to determine the fate of this special tree.
2. This 100+ year-old tree was at this location long before the curb, the fire hydrant and the paved street were there. She has survived all of these insults to her habitat with success. In fact, the Chicago Botanical Garden says that catalpa trees are tough and adaptable ([https://www.chicagobotanic.org/plantinfo/tree\\_alternatives/northern\\_catalpa](https://www.chicagobotanic.org/plantinfo/tree_alternatives/northern_catalpa)). It has a thick crown of healthy leaves; it bloomed in the spring. From a residential perspective, it is a healthy tree. In fact, one arborist said that nearly all trees her age will have a hollow trunk, so that is not at all uncommon. This tree knows how to support herself. In fact, a catalpa tree can live for 150 years (<https://selectree.calpoly.edu/tree-detail/catalpa-speciosa>).

If the village proceeds with the existing pavement plan, there is every reason to believe our Keebler tree will survive this new assault on her roots. After all, she has survived much other abuse in the last 50 years.

3. If the trimming this tree suffered from ComEd is the deciding factor, does that mean that every tree along the ComEd wires is doomed to be removed? If so, will all the other trees in the ComEd wired parkways suffer the same fate? If not, how can residents be assured that the ComEd trimming will not be cause for removing the trees in front of their homes in the future?

4. Species of Catalpa: one version of the catalpa tree is nicknamed 'the umbrella tree'. As our Keebler tree does look like an 'umbrella tree', then its growth pattern seems to be as expected. Therefore the supposition that ComEd negatively impacted the crown of this tree may not be entirely accurate.

5. If the traffic flow is modified to extend the curb out, the roots, under the drip line of the tree, can be minimally impacted. In this case, if this tree was stunted by ComEd, it has an unexpectedly small drip line, so this seems like a feasible option. Was that option considered?

6. As our home is built on Vaughan's nursery property, as is much of the square block around us, I appreciate the village history associated with this tree. My understanding is that this is the last tree standing from that era; this is the last tree planted by Vaughan's staff. Please do not discount the historical significance, and historical attachment that residents have to this tree. This includes the unique nickname for which this tree is known - The Keebler Tree.

In summary, I hope the village can see that this tree has much meaning for many current and former village residents. We do not see the supposed ill-health of the tree: it is blooming and has significant healthy leaves. It is so special that it warranted discussion at the recent WS Historical Society meeting, as well as an article in The Patch, and well over 100 comments on nextdoor.com.

PLEASE Save the Keebler Tree!

Thank you for your attention to our concerns.

Sincerely,

Lisa Den Besten  
1312 Walker St, WS  
cell 708-306-1361

## Elaine Haeske

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**From:** Public Comments  
**Sent:** Monday, August 17, 2020 2:41 PM  
**To:** Elaine Haeske  
**Subject:** FW: Catalpa Tree

From: Olson Potthoff <olsonpotthoff@gmail.com>  
Sent: Sunday, July 26, 2020 3:57 PM  
To: Public Comments <publiccomment@wsprings.com>  
Subject: Catalpa Tree

To the Village of Western Springs,

I am writing in regard to the proposed removal of the Catalpa Tree on the corner of Prospect Avenue and Reid Street, which is scheduled to be removed as a part of the 2020 Prospect Avenue Improvements Project. I strongly urge the committee to reconsider the removal of the tree, as the rating of 5 out of 6 for which the tree was given does not give proper consideration for the historical context and true dendrological health of the tree. The primary citation for the rating was the height and health of the crown, which the village cites as having been superficially altered from the local utility Com-Ed over the past few decades. Aesthetic maintenance of the crown cannot be used as a surrogate for overall tree health - the tree is malnourished, but not chronically ill.

More than the rushed consideration of actual tree health is the historical context for which the tree matters to the people of Western Springs. As the last remaining Catalpa on Prospect Avenue, and the oldest known anthropologically planted tree from our village founders, an irreplaceable piece of our human and environmental history will be lost as soon as the Catalpa comes down.

Western Springs is the Tree City; it is the reassuring strength and structure of our villages' unique canopy that serves as a background for generations of families who have called this place home. It is what makes this place unlike any other place in the world.

It is this profound sense of place, and the ways in which trees such as the Catalpa help us tell the stories of ourselves, that I formally request that the village reconsider its decision.

Respectfully submitted,

Max Potthoff  
Master of Forestry, Yale University  
Graduate, Laidlaw Elementary/McClure Jr High