

MINUTES OF THE SPECIAL MEETING
OF THE VILLAGE OF WESTERN SPRINGS
PRESIDENT AND BOARD OF TRUSTEES
Monday, August 17, 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*

Others Present

Ingrid Velkme, Village Manager
Aleks Breidis, Director of Recreation*
Grace Turi, Director of Finance*
Pat Schramm, Director of IT*
Matt Supert, Director of Mun Svcs. *
Casey Biernacki, Asst. Director of Mun Svcs. *
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

*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).

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 pursuant to Governor Pritzker's disaster proclamations and executive orders in response to COVID-19, provisions of the Open Meetings Act requiring in-person attendance of the public body have been suspended and conditions allowing remote participation of the public body have been expanded. 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 meetings as similar to our regular board meetings 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

President Gallagher said that she has been giving the public health update at every Board meeting since the pandemic overtook our lives. Today, all regions of the state remain in Phase 4 of the governor's Restore Illinois plan. On August 14, 2020, the Illinois Department of Public Health (IDPH) reported fourteen (14) counties are now at the warning level, and tomorrow new mitigation measures will be implemented in Region 4 to try and slow the resurgence of COVID-19 in the St. Louis area.

Cook County is not at the warning level, but Kane and Will Counties are. Nevertheless, cases in Western Springs and throughout Cook County, continue to slowly rise. As of August 14, 2020, there have been a total of three thousand one hundred fifty-nine (3,159) tests administered and one hundred fifty (150) positive cases in Western Springs.

In our region, suburban Cook County, also known as region 10, as of today the metrics show four (4) days of positivity increases over a seven (7) day rolling average, two (2) days of hospital admission increases on a seven (7) day rolling average, thirty-one percent (31%) of hospital bed availability which is eleven percent (11%) over the twenty percent (20%) threshold, and thirty-seven percent (37%) ICU bed availability on a twenty percent (20%) threshold. All of this information and more can be found on the IDPH website at www.DPH.illinois.gov

Since the last update, the General Assembly's Joint Committee on Administrative Rules (JCAR) approved the IDPH's emergency rules to enforce the use of face coverings and to enforce gathering restrictions. The emergency rules have not changed. They include:

- all individuals over the age of two (2) and who are medically able to do so, are required to wear a face covering over their nose and mouth when in public and unable to maintain at least six feet (6') of separation;
- Businesses, services, facilities, and organizations shall take reasonable steps to ensure

- employees, customers, and others on their premises wear a face covering;
- Schools, both public and private, from preschool up, and day care facilities, shall require students, faculty, and others on their premises to wear face coverings; and
- Gatherings of no more than fifty (50) people, or fifty percent (50%) of capacity, whichever is less, are permitted.

Violations cannot be brought against individuals, only businesses, schools, or other institutions. The governor has said that there are multiple opportunities for compliance before any penalty is issued. These rules are simply a commonsense way to enforce public health guidance designed to protect the public as much as possible. Should the Village receive any complaints alleging violations of these rules against a business, we will refer the complaints to the Cook County DPH for enforcement.

At Village Hall, renovations are underway to make the building safe for visitors and staff. We continue to offer most services, and recreational programming is expanding while adhering to public health guidelines. Our local restaurants and businesses have endured the limitations on their operations. But these establishments continue to be impacted by the rules designed to limit the spread of the virus. Capacity limits and social distancing means fewer patrons overall. Please continue to support our local businesses and restaurants whenever and however you can.

While each school district has its own plan for starting the school year, the Village will support our schools in any way we can. We ask our residents to do their part by being a positive role model for our youngest residents: wear face coverings, maintain social distance and, in general, follow the state's well-established public health guidance to help keep those near and dear to you as safe as possible – including yourself.

The City of Countryside will offer free COVID-19 testing on August 21 and 22. The Illinois Department of Public Health will have a drive-thru COVID testing site in Countryside at 5500 East Avenue on Friday, August 21, 2020 and Saturday, August 22, 2020, from 8 AM to 4 PM. There is no cost to be tested. All you need is a photo ID. We will post the information on our COVID-19 page of our website.

WELL #4 UPDATE

Director Supert reported that on the afternoon of August 11, 2020, Village staff received notification that there was a fault at Well #4 and the well was shutting down. Staff determined that high voltage power was not present at the well from the ComEd utility feed. ComEd was immediately notified, but power was not restored until approximately 6:15 am the following morning. During this time ComEd discovered a blown fuse on one of their primary lines on Hillgrove Avenue. Power was then re-established and detected at the meter located at Well #4. Attempts to restart Well #4, were unsuccessful, and the Village immediately contacted an electrical engineer to further investigate.

The Village's well contractor arrived on site Friday morning and over the weekend seven hundred feet (700') of column pipe was pulled. The pump and motor were brought to the surface this morning and the crew observed extensive damage to the well motor. Equipment inspection is

anticipated to take several days and may extend into late this week. In the meantime, the Village's spare motor is being prepped for installation, barring any issues during inspection of the pump, it will be set on Wednesday morning. Additional information regarding project timeline will be provided throughout the week as we reach various reinstallation milestones. Village staff is in the process of scheduling necessary meetings with ComEd to discuss and review power and reliability issues.

Director Supert said it is August and it has been very warm and dry recently. At present, we are running Well #3 essentially twenty-four/seven (24/7). It is running well, and we have no issues with it. Well #1 is supplementing quite a bit, on average, more than twelve (12) hours per day. It has been running pretty significantly to distribution just because of the time of year.

President Gallagher said that it seems like we are always having issues with the electric with our wells. She asked if we can discuss this with ComEd and asked what steps we can take to prevent this from happening in the future.

Director Supert said staff has reached out to ComEd and ComEd is willing to have a meeting with us. Unfortunately, due to the timing of the storm last week, ComEd has a lot of their crews responding to communities without power in Illinois and Iowa to assist their fellow utilities out there. This means a lot of communications and coordination are on hold until ComEd teams can get all of that resolved in those areas. A meeting will be scheduled with ComEd at a date to be determined with the objective of obtaining more information about the reliability of the feed that is coming to the wells. That is one of our primary concerns right now. Even small disruptions cause delay in the Village putting wells back online. Village staff is also scheduling to meet with two (2) electrical engineers that Village staff has worked with in the past on various projects to get some more information about equipment or protection measures which can be put in place for surges like this. Some of the work the Village did this past February was for low voltage situations which the Village wells have experienced over the past few years. Measures were put in place to help protect in some of those low voltage situations. What we experienced this past week was a high voltage surge of some sort. Director Supert said we do not have the details yet as we do not have that information from ComEd about what actually occurred. We are hoping that once we have the information, we can have in-depth conversations with ComEd about what occurred, why it happened and how we can protect against that in the future.

Trustee Rudolph asked if that protection would be for our other wells including new well, Well #5. Director Supert said the goal is to ultimately identify what actually damaged or hit the well, and then find the right solution, working with both our electrical engineers and ComEd's engineers to figure out what is the best way to protect the Village from those scenarios for each of the wells in addition to the water treatment plant. Trustee Rudolph asked if the Village can expect some sort of recovery of the costs incurred from this event from ComEd. Director Supert said it is staff's intention to talk to ComEd about that. ComEd has a claims department that our representative, Phil Halliburton, has reached out to. Staff is in some conversations with them already regarding some of the issues the Village had with Well #3 earlier this year. Director Baer mentioned that the Village will also engage IRMA to help represent to push to see what we can claim once the electrical study is given to us. Staff will give all of that information to IRMA and then IRMA will represent us.

Trustee Rudolph asked about the current projection timeframe for use of Well #1. Director Supert said that, assuming we have no weather complications or any unknown or unforeseen issues, we are anticipating taking Well #1 off-line early to mid-week next week. That depends on how the Village's testing samples come back from the lab. Whenever we change out equipment or do any sort of change in the well, the Village is required to submit samples to an IEPA certified lab and obtain clearance before that water can go through distribution. The actual process of putting the equipment down into the well should be pretty straightforward here over the next several days. Director Supert added that over the coming weekend, it will be a matter of getting the necessary samples, getting those to the lab and getting clearance back from the lab. President Gallagher asked if we have to wait for the ComEd meeting before we can replace the motor and put the well back together. Director Supert said that is not the case. The intent is to get the well back in place and get the well on-line as quickly as possible. Director Supert said the Village has not had a surge situation like this before with the well and we definitely want to protect against that moving forward but he does not anticipate that sort of situation arising unless we have another storm that rolls through town or something like that. Director Supert continued saying that even if that is the case it would probably be weeks, if not months, before we can coordinate with ComEd and get the necessary engineering and then the equipment in place for a solution for that surge situation. Director Supert said he did not think we would want to wait that long to get the well up and running.

Trustee Tyrrell asked about utilizing a back-up generator during power loss. Director Supert said the Village has a generator at Well #3 and we are in the process of getting a generator for Well #4. Director Supert said there are two (2) things that come into play with a generator situation. Even with a generator in place, whenever the power goes out, there is a brief period, even if it's a second or less, where the automatic transfer switch would transfer the power over from the primary ComEd feed to the generator. That blip of a moment is still enough time to take the well offline. It would shut down. We would still be able to cascade and bring it back online with the generator, but the equipment would still take itself offline. In this particular situation, it appears we had a power surge that came into play that damaged the equipment. Director Supert said it is his understanding that the generator and the transfer switch itself would not have provided any sort of protection from a surge like that. That is what we are looking into with our engineers to see if there is some sort of other piece of equipment, whether it a sacrificial piece of equipment. Director Supert said he does not know if there is some sort of industrial size UPS that could be put in place that would have absorbed that, similar to what one has for housing systems or computer systems. A lot of data centers and co-location centers have large industrial size battery back-ups that may be able to be used to mitigate a power surge. Director Supert said staff will work with the electrical engineers to see what sort of solutions would make sense to help mitigate or absorb a power surge like that.

Village Manager Velkme reminded the Board that years ago in Springdale we had a power surge that originated in LaGrange and many homes were damaged because of the power surge. ComEd did go in and do some work there to prevent such a surge from happening again so we will be looking for that from ComEd to assure that our critical buildings are protected. President Gallagher said she thinks that is critical to do and she is surprised that that is not already in place, that Com Ed wouldn't do that since that is critical infrastructure. President Gallagher thanked

Village Manager Velkme for following up on that. Trustee Chen said it seems strange that we don't have surge protection for such critical infrastructure. Trustee Chen asked if there has not been, over the history of the infrastructure, a similar problem. Trustee Chen added she would have thought there would be a surge protector, like ones she used to have in her home. Village Manager Velkme said this is a different type of surge protection. Director Supert said there is surge protection for the well up above and there are sacrificial fuses that are designed to do that. Director Supert said we don't have all the details yet, but staff is expecting Mike Cleary, the electrical engineer who the Village has worked with, to provide a full report and a recommendation, hopefully by the end of this week. Since we just got the pump motor up today, he will be working on that over the new couple of days. The quick verbal conversation that Director Supert had with him to date indicated that the surge was apparently so large that that equipment would not have provided the protection that the Village would have needed. Director Supert said that is partly why we need to have ComEd weigh in on this conversation, why was this surge or whatever this electrical incident was, why was it as large as it was and what actually caused it since it was a day after the actual storm event that rolled through town.

Trustee Chen asked for confirmation that this is a brand-new motor that the Village just put in Well #4. Director Supert confirmed that is the case. Director Supert said the Village will be bringing the rebuilt motor back up to Wisconsin for a full inspection and assessment which will come into play when Village staff has conversations with IRMA and ComEd about what exactly was the damaged, can the motor be salvaged or would we be looking for a new motor, working through all those details as we get more information over the coming weeks.

Trustee Fink asked if since we are using the back-up motor, if there are plans when the new motor is fixed if we will have to switch them out again or is the back-up motor now our current motor. Director Supert said the back-up motor is certainly capable of operating as our primary motor. The two (2) motors that are in place are ostensibly the same motor. The only major difference is the seal that seals the motor. The back-up motor is a mercury seal motor. The motor that we had in the ground that we just pulled is a mechanical seal motor. The mercury seal motor is an older type motor and is actually one of the original motors we had in the 1960s. There is nothing wrong with them fundamentally other than that type of motor is just aging and they are being taken out of service whenever they need significant operational changes mainly because the EPA currently doesn't allow you to rebuild a mercury seal motor with a mercury seal. It is in perfect operating condition, but we will probably assess, once we figure out where we come out of this, if we want to swap the motor or continue to operate it with it as is. If we needed to do a swap in the winter, at some point, in the future, we could certainly do that without any major anticipated issues to distribution. Director Supert added that we should have Well #5 online by that point as well. Disruptions to distribution should really be minimal if we do decide to swap out the well in place with a new mechanical seal motor. There is not an immediate need to do that at this time per Director Supert.

Trustee Tyrrell asked how much we paid for the new motor for Well #4 and when we put it in. Director Supert said he does not have that figure at this time, but we did install that new motor as part of our maintenance this past winter that started in January. Director Supert said he knows that the Village Board approved the purchase of the rebuilt motor last fall right around November or so, but he did not have the cost information in front of him. Trustee Tyrrell said he

can look it up. President Gallagher asked Director Supert when Well #5 is projected to be on-line. Director Supert said we are anticipating sometime in October. We did set the electrical building for the project last week. Our first contractor, Paul Borge, is beginning to wrap up their portion of the work. The next phase is mainly going to be electrical work done by ComEd. Right now, ComEd has a tentative date of September 14 for that work and we are trying to get a better idea from them of exactly what this is going to entail. ComEd will need to set a new utility pole, the underground conduit for the new electrical system and then pull that wire to the electrical building. Once that work is complete, the final stages would be for Suez, our well contractor, putting the pipe and the motor down into place. That portion of the work would take approximately a week or so to set that. There is a bit of an unknown period here in terms of ComEd scheduling the electrical primary at this point. President Gallagher thanked Director Supert for that update and report.

CONTINUATION OF THE PUBLIC HEARING FOR SPECIAL SERVICE AREA #8 (Ridgewood Oaks)

Open Public Hearing – President Gallagher

President Gallagher opened the public hearing at 7:24 p.m.

Acknowledgment of Publication and Mailing of Notices – Clerk Horvath

Acting Clerk Horvath acknowledged the public hearing is a continuation of the July 27, 2020 public hearing that was commenced after proper published notice in a local newspaper and mailed notice per applicable state law.

Presentation by Staff Regarding Proposed SSA District, Village Attorney Jurusik

President Gallagher said we have an update on this project which Village Attorney Jurusik will provide. Attorney Jurusik said he would be turning the floor over to the Ridgewood Oaks homeowners association president and then to the attorney for one (1) of the residents who is an objector to this special assessment project. They will fill the Board in on a homeowners association meeting that occurred last week and bring us up to speed with respect to both the objector's position and a proposal the objector and the objector's attorney have for the Board to consider which would involve the Village holding off on taking final action on the ordinance forming the special assessment that is in the Board's packet tonight, holding off for the sixty (60) day objection period so we wouldn't revisit this issue until October 26, 2020. Attorney Jurusik said we will let the homeowner's association president speak first and then the objector's attorney and let them fill us in on conversations they have had and where they are today on this project.

Questions and Comments by Residents within Proposed SSA District

President Gallagher gave a brief history on this project which the Village has been working on with the homeowners since at least the spring of 2017. At that time, many waivers were gotten from the current homeowners with information that was available at that time. Over the course of time, the

price of the project has escalated, and President Gallagher said she knows that Mr. Stan Heidemann went around trying to get current waivers from people in the time since our last Board meeting. This is a project to bring the detention basin in compliance with the Metropolitan Water Reclamation District (MWRD) permit. MWRD is the permitting body for this. Both the homeowner's association and the Village are co-permittees on this. Throughout the course of the project, we had a plan in place that our Village engineers devised but the homeowners association board asked us to try to save as many large, mature trees as possible and to re-design the basin, which the Village did back in 2018 or 2019. This hearing is the culmination of several years of joint work to accomplish a shared goal, but we do have an objector and there is a concern now that the homeowners would not want the Village to participate in the project. That is where we are today. There was a Ridgewood Oaks HOA meeting on August 10, 2020 and HOA President Stan Heidemann will update the Board this evening.

Ridgewood Oaks HOA President Stan Heidemann addressed the Board. Mr. Heidemann said that after the Village of Western Springs Board meeting on July 27, 2020, the Ridgewood Oaks Homeowners Association conducted a meeting on August 10 and prior to that meeting, the Ridgewood Oaks HOA Board sent out a memo to all the owners re-clarifying the situation relative to this proposed SSA#8 and a lot of the background that had taken place over the course of the last three and one half (3.5) years. The O'Donnells also sent out a letter to all the residents and as a result, the meeting on August 10 culminated in a two and one half (2.5) hour meeting which was spirited with discussions. Twenty-six (26) owners were online, listening and involved in what was going on. The O'Donnells and their lawyer were present as well as twenty-six (26) members and they re-hashed what took place over the course of the history of this project. The O'Donnells again indicated they had no knowledge of this project. Mr. Heidemann said he would like to remind them that the O'Donnells owned this unit from day one when this association was developed. How that ownership was transferred during the course of forty (40) some years, Mr. Heidemann does not know. The O'Donnells also said they had recently purchased the unit and when they purchased it, whatever responsibility to pass the information on to the new purchaser was never done. The discussion during this August 10 meeting was all around the cost and the design of the project. All in attendance reviewed the design options that were available by Western Springs which included a berm and, basically, a concrete wall and discussed the situation around both designs and the impact it would have on the property on the southwest side and also along the west side. That discussion continued. There were some comments during the meeting about the add-ons that were indicated in this SSA by the Village so they were explained as best as Mr. Heidemann could recall based on the conversations Mr. Heidemann has had with the Village. The end result was that the HOA Board received some positive word from the various owners who are online but at the end of the meeting, the Ridgewood Oaks HOA Board took no action relative to the SSA. President Gallagher thanked Mr. Heidemann for the update. President Gallagher asked Mr. Heidemann for his general sense from the meeting regarding support for the project. Mr. Heidemann affirmed that was the case. The HOA did go around and get some additional waivers. Mr. Heidemann expressed some frustration that it has been three and one half (3.5) years and now they are down to this situation. There is a lot of frustration with some of the owners.

Trustee Chen asked if when MWRD declared this basin non-compliant and needing work, did the Village approach the HOA or did the HOA approach the Village. Discussion followed. Director Supert said this process really began coming out of the two (2) stormwater studies that the Village completed down in the Ridgewood area in 2015/2016 with Baxter Woodman and the southwest drainage study with James J. Benes and Associates to look at various stormwater issues in the

Ridgewood subdivision. As part of the stormwater study, Director Supert said we noted that one of the complaints we were getting from the southeast area of Ridgewood was overflow situations and overland water problems occurring through the cul-de-sacs that are along the eastern edge of Ridgewood and tied into and related into the HOA detention basin. As part of that process, the Village reached out to MWRD to get a little background information about that detention basin including what its purpose was and how it was supposed to operate. The Village received a letter from MWRD that the basin was out of compliance. The Village had an initial conversation with the HOA President at that time and the management company in about February of 2016. Village staff obtained some history from them on how they had operated the detention basin. As conversations continued, the HOA said this project was something that was beyond and too big for them to manage. The Village was coming out of those two (2) stormwater studies with a lot of big issues in Ridgewood and offered to help facilitate the project and move it forward because of the stormwater issues that the Village was having. This is how the project progressed forward. Trustee Chen thanked Director Supert for this history.

Trustee Tyrrell asked Mr. Heidemann what he meant by no action at the Board meeting. Trustee Tyrrell asked how the matter was left on August 10 and which way they were leaning or more details. Mr. Heidemann was not able to respond to the inquiry as he had dropped off the audio connection to the meeting. Trustee Fink asked why the Village was paying any money of this private venture. President Gallagher said there is a public benefit to it. Director Supert said Village staff worked with James J. Benes and Associates about a year ago and this matter did go before the Village Board. Storm water calculations about the decreased stormwater were performed or runoff that would run to the Village's storm sewer. Benes & Associates did two (2) calculations based on 100-year storm events. They did it using Bulletin 70 calculation formula which measures a 100-year storm event. One can measure it in a two-hour (2) or twenty-four-hour (24) increment. There is a cubic foot per second calculation that was done for this particular project where the Village measured the benefit and the potential decrease of potential cubic foot runoff that would occur as part of this project. Those two (2) assessments gave the Village a roughly twenty (20%) percent or twenty-five (25%) percent reduction in the stormwater runoff improvement. The Public Works and Water Committee reviewed this calculation, discussed it and recommended going with a twenty-five (25%) percent calculation to try to achieve the maximum benefits per se for the residents in the area of the Ridgewood Oaks basin. Discussion about Village liability and responsibility as a co-permittee and how the design was determined followed.

Attorney Larry Zdarsky complimented Village staff and Village Attorney on their cooperation with him to share information. Mr. Zdarsky, who stated he represented the O'Donnell family, said many homeowners were concerned about the cost. Attorney Zdarsky said at the August 10, 2020 Ridgewood Oaks homeowner's meeting, it did not appear that all homeowners were behind the project at the cost it is. The lawyer said no one could provide his clients the cost of completing the project just to meet the minimum standards of the MWRD. Mr. Zdarsky consulted a well-known suburban excavation expert, who estimated the project with an earthen berm would cost Eighty Thousand (\$80,000.00) Dollars to One Hundred Twenty Thousand (\$120,000.00) Dollars. Mr. Zdarsky said the expert indicated most of the mature trees could be saved in the project. With a lower project cost, the association could handle the project on its own rather than having the Village manage the project. The Village's contribution would be lower with a lower project cost. Mr. Zdarsky said he understood that the Village has spent money on this project, but it may still be advantageous to choose a less costly

alternative.

After lengthy discussion, the Board agreed to consider the idea of changing directions (berm versus retaining wall) on the project but the consensus of the Board was that it would be necessary for the Village to recoup all the public funds the Village has already spent for engineering and legal services. The Village has incurred on this project to date approximately Two Hundred and Twenty Thousand (\$220,000.00) Dollars. President Gallagher reiterated that based on the waivers that the Village received and based on discussion with the HOA that people wanted this project to proceed as it did, the Village fronted those costs which from a public standpoint now are benefitting a private project.

Attorney Jurusik added that the Village is still working on obtaining those easements that will benefit the project. There are three (3) easements on private property located in the adjacent subdivision, Ridgewood, that are necessary for the full project to be built so that it connects to the Village's sewer system. Reimbursement by the HOA to the Village, as part of this project, for all of the professional fees and costs and easement work is a policy decision for the Board. The other policy issue for the Board to discuss relates to the contractor who successfully bid on the project. Staff will reach out to the contractor to determine whether they will hold the 2020 bid with a start date of March 15, 2021. Attorney Jurusik continued saying that if Attorney Zdarsky is not able to bring forward a viable, lower cost option, the goal would be to wait sixty (60) days, let the objection period pass, and if Mr. Zdarsky does not bring forward a more cost effective option that is acceptable to MWRD and the Village, the goal would be to have the contractor hold his price until March 2021. The issue will be that if there are cost increases, the Board needs to make a decision on capping the contribution to twenty-five (25%) percent of the cost of the project not to exceed One Hundred Eighty Thousand (\$180,000.00) Dollars because of the delay we are facing with not moving forward with the project right now. Waiting an extra sixty (60) days will push this project, if the Village handles it, into construction year 2021. President Gallagher noted it has been a week since the HOA meeting. She asked if anybody had withdrawn their waiver. Attorney Jurusik said no waivers have been withdrawn and twenty-five (25) new waivers were signed last week some of whom were new homeowners who have purchased recently and did not supply waivers in 2017. There are seventy-four (74) owners of record and between the 2017 and 2019 waivers, the Village has received forty-nine (49) waivers in total. In order to have an effective objection petition, one would need to have thirty-eight (38) homeowners sign that objection petition. The only objector the Village is aware of is the O'Donnells. President Gallagher said we have twenty-five (25) that have signed the waivers with today's costs.

Director Supert added that the Village is also coordinating all of the utility relocations in the HOA's property at this point and so there are a number of public utilities, Nicor, AT&T & ComEd and possibly Comcast that run through the existing detention basin that present a conflict with the project. The Village has taken the lead on contacting those utility companies to have those utilities relocated. Because this is a public/private partnership for the project, the Village is making the case that since the Village is leading it, there is no cost to the HOA for those utility relocations. If the HOA takes the project on as a private entity, they would have to pay for all those utility relocations through that area. Additionally, the original calculations of the public share were based on a reduction of the water flow that determined that calculation. If the HOA provides a private project plan, the Village would need to look at the water flow reduction to determine the public share calculation for the new plan. That calculation would need to be based on the reduction in cubic feet per second based on those one hundred (100-year) storm events calculations for the Village to determine what the public share of the

project would be.

Attorney Zdarsky said he had not seen the last twenty-four (24) waivers but it is his understanding that all they did was re-did the old 2017 waivers and we have no indication that the people that were signing them were given any indication as to the increased cost. Attorney Zdarsky said they are not looking to file an objection petition but rather that they can do this much cheaper on their own and the Village's assistance thus far has been great. Attorney Zdarsky said they would like to take these few weeks to find out what the Village has done and what the HOA will have to have done and take a plan to the MWRD that is acceptable to both MWRD and the Village.

Attorney Jurusik suggested that we are at a point where the Board should reach a consensus on a couple of those policy issues regarding costs and then close the public hearing. We will have a sixty (60) day window for Attorney Zdarsky and Director Supert to have some more discussion at the staff level to see if a more efficient project budget and project plan can be developed that is reviewed by MWRD and signed off by MWRD, reviewed by the Village and signed off by the Village. It was Attorney Jurusik's recommendation that the Board honor the sixty (60) day period, even though the Village has the waivers that are over the fifty-one (51) percent at this time.

There were no other comments or questions from the public.

Questions and Comments from the Public and Press

There were none.

Questions and Discussion by Village Officials

President Gallagher asked for Board discussion on a few issues. The first issue is what to do about the costs that we have already put into this project based on the waivers. That is why one obtains waivers at the start of a project so that one has assurance that the project would be seen through to the end. President Gallagher said that it is her recommendation that if this turns into a private project that we seek reimbursement for the costs we have already expended. After extensive discussion, the Board reached a consensus to require that we recover the costs the Village has spent to date on this private project for attorney fees and engineering fees as well as any other sunk costs. The capital summary report includes the costs billed to date for Phase I and II engineering at Two Hundred Nine Thousand (\$209,000.00) Dollars. Additionally, there are attorney fees of approximately Ten Thousand (\$10,000.00) Dollars plus staff time. Trustees Rudolph, Fink, John, Tyrrell, Lewis and Chen agreed to allow the sixty (60) day waiting period to pass before voting on this matter.

President Gallagher then queried the Board on how the Board would like to proceed after the public hearing is closed, whether there is consensus to honor the request of the sixty (60) day waiting period to allow the HOA to complete their due diligence on project costs. The Board agreed to wait the sixty (60) day period. This matter will be reconsidered in October 2020. Trustees Chen, Lewis, Fink, Tyrrell, John and Rudolph all agreed.

The Board then was queried on capping the Village's contribution at twenty-five (25%) percent of today's costs, which is approximately One Hundred Eighty Eight Thousand Three Hundred Sixty Six

(\$188,366.00) Dollars, regardless of whether the project resumes in March or in October or November with additional costs. As stewards for the public funds, the Board will need to study what the Village has spent so far and how the Board wishes to go forward with this option.

Trustees Chen, Lewis, Fink, Tyrrell, John and Rudolph all agreed.

There was no further discussion. This matter will be re-considered in October 2020.

Close Public Hearing – President Gallagher

MOTION:

President Gallagher closed the public hearing on a motion by Trustee John, seconded by Chen, at 8:31 p.m.

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

- 2) **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)**

This item was tabled until October 26, 2020.

CITIZEN COMMENTS

There were none.

DISCUSSION ITEMS – SPECIAL MEETING AGENDA

3) PROPERTIES AND RECREATION – TRUSTEE CHEN

A) Capital Summary Report

Trustee Chen said that not much has changed on the project the committee is monitoring, however, the Village now has an electric charging station operating in front of the Starbuck’s on Hillgrove Avenue and the covered bike shelter is also installed at this location.

4) PUBLIC WORKS AND WATER – TRUSTEE FINK

A) Capital Summary Report

Trustee Fink noted that Director Supert had previously updated the Board on the status of Well #5. Trustee Fink reported that all the sewer work on Prospect Avenue (2020 Roadway Referendum Program – Prospect Avenue) has been completed. The cement work, including side curbs and gutters, was completed today and work will now start on the east side of Prospect Avenue.

Crews are continuing to install the eight (8)” water main on Clausen Avenue (2020 Roadway Referendum Program and IEPA Water Main Improvement Project – Clausen Avenue) which should be complete in two (2) weeks. The asphalt work that has been ongoing in town (2020 Motor Fuel Tax [MFT] Resurfacing Program) has largely been completed. The greenspace work, topsoil on the sod, will happen when weather permits, most likely next spring. James J. Benes is continuing Phase I and II engineering on the Central Avenue reconstruction project (Central Avenue Reconstruction/MWRD Sewer Separation) and will be scheduling a meeting with neighbors in September.

B) Sidewalk Feasibility Study – V3

Trustee Fink reported that in January the Infrastructure Commission requested that staff seek a proposal for a feasibility study for the installation of sidewalk in Forest Hills, in areas where there currently is none. A resident who wanted to get rid of the patchwork sidewalks in Forest Hills brought this matter to the Infrastructure Committee. Results of the 2019 sidewalk survey in Forest Hills as well as a proposal from V3 for the study were included in the Board agenda packet. The study, which would cost Sixteen Thousand (\$16,000.00) Dollars, would yield a feasibility report for the project and probably construction costs. The study was not budgeted for 2020. Director Turi recommended that the money for the study come from the public benefit fund, which is used specifically for these types of programs which are for the good of the community, if the Board determines they wish to move forward with the sidewalk feasibility study. No expenditure from this fund was identified for 2020 but the budget could be amended to reflect that, should the Board decide to move forward with the study. Those dollars came back through special assessments when they were paid back to the Village for public benefit projects and the fund has a balance of approximately One Hundred Thousand (\$100,000.00) Dollars. Approval of the study is on the omnibus vote list planned for later this evening.

After a lengthy discussion, the Board decided to hold off on the sidewalk feasibility study due to the ongoing budget pressures the Village is experiencing due to revenue reductions due to COVID-19. While the Board is interested in discussing this matter in light of improving public safety, this study was not budgeted for 2020. The Board will be conducting strategic planning in September and infrastructure projects will be prioritized at that time. As part of the budget process, staff and the Board will also consider which infrastructure projects to include in 2021. It was suggested that the cost of the Forest Hills feasibility study be considered for inclusion the 2021 budget.

The Board may also want to consider modifications to the current sidewalk policy in the future based on the outcome of a feasibility study for this area. The current cost breakdown is a seventy/thirty (70/30) split with the Village contributing up to thirty (30) percent of the cost of the sidewalk installation.

MOTION

Trustee Fink moved, seconded by Trustee Lewis, to postpone consideration of this feasibility study until after the Board strategic planning meeting in the fall of 2020.

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

C) Emergency Sanitary Service Repair Work Related to the Prospect Avenue Reconstruction Project

Trustee Fink presented a request for payment of an invoice in the amount of Twenty-Three Thousand Seven Hundred Sixty-One Dollars and Nineteen Cents (\$23,761.19) to Benchmark Construction, the Western Springs Service Club's (WSSC) contractor for emergency repair to their sanitary service. The work on Prospect Avenue impacted the WSSC's sanitary sewer and caused a blockage. The work was needed to repair a blockage that was approximately forty feet (40') south of the WSSC and directly in line with the installation of completed storm sewer on Prospect Avenue. This work would have had to occur, at our cost, if the Village was aware of the line during the design stages of the project. It is favorable that the issue was discovered now, before reconstruction of the new roadway. This emergency repair was not a budgeted expense and will require a budget amendment. Approval of the expenditure is on the omnibus vote list scheduled later this evening.

5) PLANNING AND ZONING – TRUSTEE JOHN

No report.

6) FINANCE – TRUSTEE RUDOLPH

A) Intergovernmental and Subrecipient Agreement regarding the Coronavirus Aid, Relief, and Economic Security Act (CARES)

Trustee Rudolph stated that the Finance Committee did not meet, however, she had an item which she would like to bring to the Board for action. Under the Coronavirus Aid, Relief and Economic Security Act (CARES), Cook County has received funds and the Village is entitled to receive some reimbursement as a sub-recipient under those funds through CARES. It would enable the Village to be reimbursed for expenses related to public health and safety and it would be approximately One Hundred Fifteen Thousand (\$115,000.00) Dollars. Director Turi said One Hundred

Fifteen Thousand (\$115,000.00) Dollars is the Village's proportional share of what Cook County is distributing to all of the southern Cook County communities. A resolution providing for authorization of execution of the CARES intergovernmental agreement was on the omnibus for consideration of approval later this evening.

7) PUBLIC HEALTH AND SAFETY – TRUSTEE LEWIS

No report.

8) GENERAL GOVERNMENT – TRUSTEE TYRRELL

A) Raffle License Request from Village Club

Trustee Tyrrell stated that the Board of Trustees heard in July about a request from the Village Club for a license to conduct a “Queen of Hearts” type raffle. Trustee Tyrrell explained what that type of raffle entails. A drawing is held for purposes of selecting one (1) ticket, which has a number on it. The number is used to select one of fifty-four (54) cards that have been placed face down on a fifty-four (54-card) game board. If the Queen of Hearts card is selected, the person is the raffle winner. With a “Queen of Hearts” raffle, the jackpot of money rolls over to the next drawing if the Queen of Hearts card is not selected. Because the Village Club has filed an application, the Board has, by-law, thirty (30) days to act on it.

Trustee Tyrrell explained that the Board received a request for a “Queen of Hearts” raffle from Nazareth Academy previously and the Board denied that application citing logistical concerns because the weekly drawings get very popular if the jackpot rolls over and in some other communities those jackpots were in the millions of dollars. With the Nazareth application, the Village feared that the specter of a large crowd would present traffic and police personnel difficulties. With COVID, that would be even a greater concern. What the Village Club has proposed, is that the game be conducted virtually. That puts the application in a better position because the difficulties we had with the Nazareth application would no longer be here. There still are a few issues which the committee has with the application. Our Village Code provides that raffles chances be sold only within the Village and the winning chances must also be determined within the Village. This would be a problem with on-line raffles handled by third parties not located in the Village. The state foresaw that as a problem and amended the Illinois Raffle Act to allow sales beyond the borders of the licensing community. The raffle act was amended by another public act, however, which included a prior version of the Raffle Act which prevented statewide raffle tickets unless done by law enforcement. Usually when there are two (2) conflicts between public acts, the state passes an advisory bill which cleans up the inconsistencies. That was not done because of the COVID restrictions. It is expected that the advisory bill will eventually be passed and that municipalities will be able to sell raffle chances throughout the state. Our Village Code, however, provides only for raffles with chances sold throughout the Village. The application now on file asks for raffle chances to be sold statewide. Village

Code would have to be amended to allow that.

The public act and the Village Code have a one (1) year limit on the length of time that these raffles can run, or with the Queen of Hearts, the rollover. Our code has a One Hundred Thousand (\$100,000.00) Dollar cap which could be an issue with Queen of Hearts raffle which could very well rollover this amount. Discussion followed about whether or not the Village Board would be in support of allowing this sort of raffle, an online raffle, which is essentially on-line gaming. If the Board decides to allow this type of raffle, the Board would need to decline this application at this time because a code amendment will be required to allow for the statewide, online sales of this. There is also the conflict with the state public act. President Gallagher thinks the committee should review the proposed code amendments and bring the matter back to the Board with a recommendation on how to proceed. This is a policy decision by the Village Board. Discussion followed.

The Board consensus was to deny this application at this time because it doesn't comply to the current Village Municipal Code. Once the Village Code was amended, we would invite the Village Club to re-apply. Trustees Tyrrell, Rudolph, Lewis, John, Funk and Chen voted aye. Voting nay: None.

B) Other

ACTION ITEMS – SPECIAL MEETING AGENDA

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.

Trustee Tyrrell noted that agenda items:

- 9) Resolution 20-2561 Authorizing And Approving Plats Of Easement For Public Utilities And Drainage For The Ridgewood Oaks Subdivision Detention Basin Project, and
- 11) Motion To Approve A Professional Services Agreement Between The Village Of Western Springs And James J. Benes And Associates, Inc. For Professional Services For Performance Of Phase III (Construction) Engineering Services Related To The Ridgewood Oaks Detention Basin Improvements In The Amount Of \$35,223.00

should be removed from the omnibus vote list since the vote to establish a Ridgewood Oaks SSA #8 was tabled until expiration of the sixty (60) day waiting period. These items will be considered in October 2020.

CONSIDERATION OF AN OMNIBUS VOTE (*)

Trustee Tyrrell moved that the following ordinances, resolutions and motions as contained on the meeting agenda for August 17, 2020, be adopted and/or approved under an omnibus vote:

CONSIDERATION OF AN OMNIBUS VOTE (*)

- 8) *APPROVAL OF MINUTES OF THE MEETING OF JULY 27, 2020 AS READ
- 10) *RESOLUTION 20-2562 APPROVING AND AUTHORIZING THE EXECUTION OF INTERGOVERNMENTAL AND SUBRECIPIENT AGREEMENT BY AND BETWEEN THE VILLAGE OF WESTERN SPRINGS AND COOK COUNTY, ILLINOIS FOR CORONAVIRUS RELIEF FUNDS
- 12) *MOTION TO APPROVE EMERGENCY SANITARY SERVICE REPAIR WORK RELATED TO THE PROSPECT AVENUE RECONSTRUCTION PROJECT TO BE PERFORMED BY BENCHMARK CONSTRUCTION OF BARTLETT, ILLINOIS IN THE AMOUNT OF \$23,671.19

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.

NEW BUSINESS

- 13) MOTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE VILLAGE OF WESTERN SPRINGS AND V3 ENGINEERING FOR PROFESSIONAL SERVICES FOR FEASIBILITY STUDY FOR SIDEWALKS IN THE AMOUNT OF SIXTEEN THOUSAND DOLLARS (\$16,000.00)

After Board discussion during the Public Works and Water Committee report earlier in the evening, this matter was tabled until after the strategic planning meeting planned for the Board in early fall 2020.

OTHER BUSINESS

There was none.

REPORTS

14) MONTHLY FINANCIAL REPORT – (Rudolph)

Trustee Rudolph said there is no report this evening. The July Monthly Report will be presented in September.

15) VILLAGE PRESIDENT GALLAGHER

Last Monday, a brief but violent storm swept through the area. Manager Velkme will report in more detail on the Village response but on behalf of the Board President Gallagher extended thanks to the Department of Public Works, the Fire Department and all of staff for their quick action in meeting and handling the storm.

Last Thursday, State Rep. Deanne Mazzochi held a press conference on the Village Green to announce new legislation to support greater local control and transparency throughout the 5G rollout. The Village was pleased to work closely with Rep Mazzochi in drafting the legislation. Her bill, House Bill 5818, will allow local governments to make rules about the size and placement of small wireless facilities and their associated equipment in their villages. The bill will provide residents with more information about their community, and return some of the authority back to municipalities, authority that we should retain as the local governing body. On behalf of the Board, President Gallagher thanked Rep. Mazzochi for her decisive action in sponsoring HB5818.

On September 9, there will be a special meeting of our Council of Government, the WCMC Central Council. At that time, we will vote on an intergovernmental agreement between the Central Council and CMAP, which is the Chicago Metropolitan Area Planning Association, for a local technical assistance grant to study stormwater management and solutions throughout the region. The Central Council is comprised of fifteen (15) municipalities. The local match to participate in this study is One Thousand (\$1,000.00) Dollars per municipality. The deliverables promised in this grant include a flood vulnerability assessment memo, a product identification memo and a transportation resilience plan. President Gallagher encouraged anyone who has any comments, questions or concerns about this to let her know.

16) VILLAGE MANAGER VELKME

Village Manager Velkme said a derecho came through the Village on Monday, August 10, 2020. The Village took a pretty hard hit. Public Works was out working to clear roadways and to try to make sure people could get through. We also had an engine company covering Springdale at that time because we think that most damage to the trees was in that area although it was also throughout the town, too. The Fire Department responded to approximately nine (9) calls and thankfully there were no fires but lots of lines down at the time. We had a number of limbs down that Public Works worked on. We activated our tornado sirens at approximately 3:45 p.m. that day even though we did not have any tornadoes come through.

Village Manager Velkme said she would also like to thank the Illinois Public Work Mutual Aid network, the Village of Burr Ridge and the City of Geneva who came to our assistance. They did the branch clean-up. We joined this mutual aid network in 2019 and it allows us to request assistance from other members during emergencies. Staff made a request for assistance after the storm and the communities responded with chipper truck and personnel. We were thankful for that and will reach out to them to thank them. Village Manager Velkme said she would also like to thank staff that made sure we joined the Public Works Mutual Aid network for these types of instances.

There will be a Prescription Drug Drop Off hosted by Representative Durkin in Western Springs at the Walgreens. It will be on Thursday, August 27, from 9:30 – 11:30 a.m. It is in conjunction with the Western Springs Police Department and also the Illinois State Police. This information will also be posted on the Village's website.

Village Manager Velkme then asked Assistant Director Biernacki report on our new charging station. Assistant Director Biernacki reported that the project was completed two (2) weeks ago and the stations went live on August 3. We have had forty-one (41) individual users of the stations since then. The average time is roughly one (1) hour, forty (40) minutes per user. The utility costs are estimated roughly for the last two (2) weeks to be between Thirty to Forty (\$30-40) Dollars. We are very happy to see people using it on a daily basis. President Gallagher thanked Assistant Director Biernacki and thanked staff for pursuing this option and putting it in place.

17) VILLAGE ATTORNEY JURUSIK

No report.

RECESS AND ADJOURN TO CLOSED MEETING For The Purpose Of Discussion Of:

The Appointment, Employment, Compensation, Discipline, Performance, Or Dismissal Of Specific Employees Of The Public Body Or Legal Counsel For The Public Body, Including Hearing Testimony On A Complaint Lodged Against An Employee Of The Public Body Or Against Legal Counsel For The Public Body To Determine Its Validity. However, A Meeting To Consider An Increase In Compensation To A Specific Employee Of A Public Body That Is Subject To The Local Government Wage Increase Transparency Act May Not Be Closed And Shall Be Open To The Public And Posted And Held In Accordance With This Act. (5 ILCS 120/2(c)(1)).

MOTION:

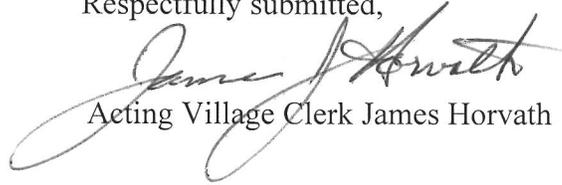
Trustee Tyrrell moved, seconded by Rudolph to adjourn this meeting. President Gallagher said a closed meeting will follow for the exception noted above. After the closed meeting the Board will adjourn.

The motion passed on a roll call vote.

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

Voting nay: None.
The meeting adjourned at 9:19 p.m.

Respectfully submitted,



Acting Village Clerk James Horvath