

MINUTES OF THE SPECIAL MEETING
OF THE VILLAGE OF WESTERN SPRINGS
PRESIDENT AND BOARD OF TRUSTEES
Monday, January 25, 2021

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*
Mike Kelly, Director Fire & EMS*
Ellen Baer, Director of Admin*
Jim Tock, Director of Engineering*
John Mastandona, Asst. Dir. Finance*
Elaine Haeske, Deputy Clerk*
Michael Jurusik, Village Attorney

*Electronic Attendance – Authorized by The Open Meetings Act, the CDC directive (social distancing guidelines) and Illinois Governor Disaster Proclamation dated January 8, 2021 (Restore Illinois Plan) and Executive Orders 2021-1 extending the Governor’s prior Executive Orders relating to the COVID-19 pandemic and his implementation of the “Restore Illinois” Plan (COVID-19 E.O. No. 71) as amended)

CALL TO ORDER

The meeting opened at 7:00 p.m.

PLEDGE OF ALLEGIANCE

President Gallagher led the Pledge of Allegiance.

ROLL CALL (Acting Clerk Horvath)

As noted above

READING OF AGENDA – ADDITIONS – DELETIONS

There were none.

PUBLIC HEALTH UPDATE

President Gallagher said much has happened since the last public health update two weeks ago. On January 18, Region 10-suburban Cook County- moved to Tier 2 mitigations and on January 23, our region advanced to Tier 1 resurgence mitigations. With healthcare surge staffing in place and substantial progress in limiting the COVID spread since late November, every region in the state has moved out of Tier 3 mitigations. Three regions are back to Phase 4 guidelines of the Restore Illinois plan, three regions are at the Tier 2 mitigation phase, and five regions are in the Tier 1 mitigation phase, including suburban Cook County and Chicago.

Tier 1 mitigations ease restrictions limiting gatherings from 10 to 25 people and once again permit indoor service at restaurants and bars, albeit at the lesser of 25% capacity or 25 patrons. Also, the maximum number of participants allowed in Western Springs recreation programs has increased under the Tier 1 guidelines. For more information on program offerings and to register, visit the recreational services page on the Village website. For more information on Tier 1 mitigation measures, visit the Village's COVID19 webpage.

Today, January 25, the state entered Phase 1B of the Illinois vaccine distribution plan. Phase 1B expands vaccine eligibility to include non-healthcare frontline essential workers such as first responders, teachers, corrections workers and inmates, postal, public transit, and grocery store workers, and staff at shelters and day cares. Phase 1B also includes all residents aged 65 and older. There are approximately 3.2 million Illinoisans eligible to receive the vaccine in this phase.

Online registration for vaccinations in suburban Cook County began today at vaccine.cookcountyil.gov/sign-up. The governor has pledged to open hundreds of vaccination sites across the state. Proposed sites include pharmacy and grocery stores, and the Illinois National Guard is providing support initially at Cook County vaccination sites. Please note that you must have an appointment prior to receiving the vaccine.

Most likely, it will take many months to widely distribute vaccinations in Illinois. The Illinois Department of Public Health cautions that it is still vital to wear a mask, socially distance, and wash hands.

REPORT ON 5G AND LEGISLATIVE UPDATE

President Gallagher welcomed Dan Shomon who provide an update on 5G and legislative actions in Springfield. Mr. Shomon is the Village of Western Springs and has been working in Springfield for 31 years. We are going to have a historic legislative session in Springfield beginning the 102nd legislative session with the first African American Speaker of the House, Emmanuel “Chris” Welch, who’s district actually includes a sliver of Western Springs. Mr. Welch was elected last week on Tuesday night and sworn in on Wednesday. There was a really nice article in the Chicago Tribune yesterday with President Gallagher talking about how important that is and that Speaker Welch has worked with Western Springs, we have already built a relationship and we will continue to work as a partner. Also, today, it was just announced by Leader Durkin, that Deanne Mazzochi was named Assistant Minority Leader, or Assistant Republic Leader, of the Illinois House of Representatives. That means there are now four leaders representing pieces of Western Springs which is all good news. This news seaways into what is going to be happening this year on 5G. What is going to be happening in Springfield, in the backdrop of COVID, and a state budget crisis, there are a couple of issues that we are really tracking.

The four major legislative priorities including the 5G legislation that came out of the resolution of the Village Board of Trustees on the 5G issue. Mr. Shomon said we actually introduced legislation this last summer and fall that would have increased local control over the 5G process and the 5G sighting process because of flaws in the original small cell wireless bill. This bill was drafted by the Village of Western Springs working in conjunction with our wonderful counsel, Attorney Jurusik, and supported by the Village Board. The bill is also being supported Clarendon Hills, some of the officials in Hinsdale, and properly other communities as we continue to work on the bill.

The bill is now to be re-filed in the House and Senate, probably in the next month, to be considered for the 102nd assembly. The 101st assembly didn’t deal with most bills because of COVID and most of the sessions were cancelled. Very few bills were actually considered. This bill will be under consideration in the spring session that ends on May 30, 2021. At the same time, the Small Cell Wireless Act expires, or sunsets, on June 1, 2021 so this issue will be front and center for legislators. The way that interacts with bills that will be introduced by Representative Mazzochi and Senator Glowiak-Hilton who are both sponsoring the Western Springs bill is that there will be a debate about this issue and we hope to work with whomever is the sponsor of the extension of the Small Cell Wireless Act to include more protections for residents and homeowners in the suburbs. Mr. Shomon said it is likely that this act will be extended although he cannot predict what will happen but added that we will be at the table, hopefully negotiating so that there is a better piece of legislation that comes out from Springfield. Mr. Shomon said that he worked on this bill when it first passed so he knows a lot of the issues. He worked with the Klein, Thorpe & Jenkins Ltd. law firm on it so we will be reaching out to various groups to get the status report. As the Board may recall, there was a press conference over the summer with Rep. Mazzochi and Village President Gallagher where there was talk of a bill called the “Protect Me from 5G Act”.

Mr. Shomon said there are a couple of other issues he wished to address which are pending. A lot of people have been concerned about a bill on police reform that passed that would drastically change the criminal justice system in Illinois. The bill is 700 pages and includes a variety of

reforms including mandating body cameras for all communities and Mr. Shomon said he thinks that will be by 2025 for Western Springs. That bill is going to be signed by the Governor and there will be continued negotiations on a clean-up bill during the spring session. Most of the pieces of that bill take effect later and there are some concerns about pieces of the bill by police officers and the chiefs of police. Mr. Shomon will be continuing to monitor that bill and educating the Board as necessary.

There are two other big concerns coming up in the spring session. Because of the budget crisis, the Governor is looking for cuts and the one area that he is likely to consider is the Local Government Distributive Fund (LGDF). A recent article in the Tribune juxtaposed that issue and said that new Speaker Welch had been a big supporter of the LGDF. This is the percentage of the State income tax that gets returned to local governments. The State continues to whittle down that percentage. Mr. Shomon continued, saying that Speaker Welch has been a firm advocate for this issue which is great because more cuts, "robbing Peter to pay Paul", is not the solution to the State budget crisis. We will be fighting to protect LGDFs for Western Springs and other communities.

There is also likely to be a hefty debate about lead service line legislation. There could be a new fee imposed statewide to replace lead service lines. This bill mainly affects older communities and it does affect Western Springs and the current legislation that was under consideration last week, really didn't have an adequate funding source so this was an unfunded mandate on local government. We will be continuing to monitor that also.

A question and answer period and discussion followed. Village Manager Velkme asked Mr. Shomon if he could comment on what kind of percentage, they are looking at for the LGDF of if they have had any discussions on that yet. Mr. Shomon said that is a good question and the answer is no. It is all being shrouded in secrecy because part of the problem is that because of COVID it is very hard to get one-on-one contact with the budget office or the Governor's office. Mr. Shomon said if he had to guess, he would say 10-20% proposal, but we do not have the number yet.

President Gallagher asked Mr. Shomon if he knew if that was the only area where they are looking to take money away from municipalities. Mr. Shomon said the other area that is easy to hit would be the Personal Property Replacement Tax (PPRT) which is a smaller amount but still would affect the Village but there are all kinds of possibilities. Some of the funds are hard to be taken. Mr. Shomon said he thinks the gas tax money is somewhat protected and some of the other funds, but he would say that that is the biggest risk. At the same time, they are probably going to be trying to vote on an income tax increase and other cuts in the spring so legislators will be asked to cut money for their police and fire departments and local governments but vote for an income tax.

Mr. Shomon said it is going to be a tough year and one thing to note about legislation is that it is very difficult to get a lot of bills considered because right now the House of Representatives does not have the legal authorization to do remote hearings or remote testimony like the municipalities do. As a result, everything has to be done in person so we will see how much gets done in a positive fashion.

Trustee Chen asked what the impact would be of the sunset of the 5G legislation in June. If that sunsets and nothing is passed in its place, what does that mean. Mr. Shomon said that is a

good question and it depends on your perspective of what is worse or not worse. He said that some anti-5G folks would like it to expire, but the chance of that happening is slim because the forces, such as the telecom companies, that are supporting this legislation have a lot of influence at the capital. Mr. Shomon deferred that question to Attorney Jurusik to weigh in on that as he is more of an expert on that, on the federal and 5G telecom law. Mr. Shomon said federal law supersedes state law in this matter but there would be no state regulation specifically on small cell wireless, he is guessing, if it expired.

Attorney Jurusik said that is correct. You would be following federal law and you would also be following construction in our right-of-way ordinance so there would be local regulations that allow utilities and the like to put infrastructure in our rights-of-way and you would be dealing with federal law. Mr. Jurusik said he doesn't know that there is more regularly opportunity for local municipalities under that arrangement. He thinks that the ideal situation is to have state law that supports local municipalities right to regulate for the protection of its residents, aesthetics and property values and the like. In a perfect world, we would have a new and improved small cell state legislation come out of this 2021 legislative cycle and session.

Trustee Lewis asked if there are other groups interested in revisiting the Small Cell Act besides municipalities. Mr. Shomon said that is a very good question and that he thinks the environmentalists are going to be weighing in on this and they have a lot of influence, probably on the same side as Western Springs in the sense that they don't want it extended as is and they want some protections. There are some environmental and noise protections in our legislation so we can potentially partner with them. At the same point, Mr. Shomon believes there will be a bigger or broader group of municipalities that will be joining the coalition and they will keep us posted. There are other groups that will be interested in trying to not get it changed, on our side, but there are also big money interests on behalf of the telecom companies. Trustee Lewis asked if the Illinois Municipal League is engaged. Mr. Shomon said they are not, but we plan to work with them because they were at the table when this originally passed although they ended up being neutral. A bunch of municipalities were opposed, including ones that I worked for, but the Municipal League was neutral, and Mr. Shomon thinks that most people would say that this bill has not been a great bill for municipalities. We all got some improvements, but they will be working with us. Trustee Lewis asked if the original sponsors are still around from the first time the bill went through. Mr. Shomon said one of the sponsors is not around and he thinks there have been a lot of changes. We do not know who is going to sponsor it. Mr. Shomon said Terry Link had the bill in the senate and he is no longer a legislator. We will see who is going to carry it. It will probably somebody in the public utilities committee and they haven't named the chairmen of the House committees yet.

Mr. Shomon concluded his report stating that because of the state economic situation, and despite enjoying working with Western Springs, their firm took a shave of our consulting fee to do the work at a much lower rate because they understand the sensitivity and the budgetary concerns for residents. He said he looks forward to continuing to work with the Village and he thanked them. President Gallagher thanked Mr. Shomon and said we appreciate him doing that. Times are tough and uncertain, and she thanked Mr. Shomon for giving the Village a little discount. We appreciate it.

CITIZEN COMMENTS

There were no citizen comments.

DISCUSSION ITEMS - SPECIAL MEETING AGENDA

NEW BUSINESS

- 1) REPORT ON RESULTS OF ELEVATED STORAGE TANK MAINTENANCE AND REPAINTING PROJECT BID OPENING CONDUCTED ON JANUARY 12, 2021 AND AN AWARD OF CONTRACT TO LOWEST COST, QUALIFIED AND RESPONSIBLE BIDDER, ERA-VALDIVIA CONTRACTORS, INC. OF CHICAGO, ILLINOIS FOR THE ELEVATED TANK PROJECT IN THE AMOUNT OF \$849,900 (Fink)**

Trustee Fink provided a report on the bid opening for the Elevated Tank project which was held on January 12, 2021. The Board discussed this project last month but at that time staff did not yet have the bids. The combined Public Works and Water and Finance Committees meeting reviewed the staff's recommendation to award a contract to the lowest cost, qualified and responsible bidder, Era-Valdivia Contractors, Inc. of Chicago, IL. The low bid at \$849,900 was significantly below the engineer's estimate for the project of \$1,308,601. Baxter Woodman has worked with Era-Valdivia on multiple repainting projects and found their work satisfactory. Staff and Baxter & Woodman recommended awarding the contract to Era-Valdivia and the combined committees are supportive and also recommended moving forward to keep this project on schedule with the IEPA.

There was discussion about the significant difference between the engineer's estimate and the low bidder. Director Supert stressed that Baxter & Woodman recommended this contractor and has vetted their references. Director Supert said preferential pricing is often available on projects by locking in early with contractors who like to set their workload for the year early on. This project is anticipated to commence in mid-April and end in July or early August. Director Supert said the Board will be presented with a request to approve Phase III Construction Supervision Engineering in the February meeting cycle. Baxter & Woodman will be doing that work in conjunction with Dixon Engineering, a firm which specializes in tank maintenance, who will be conducting some paint testing work. That work is required to ensure that the project is monitored and completed correctly and according to specifications. President Gallagher noted that this firm, Era-Valdivia, has worked with Baxter & Woodman on several occasions and Baxter & Woodman has recommended them as well as their bid has been vetted with reference checks as we usually do.

Trustee Tyrrell asked if the standpipe had to be shut down during this work. Director Supert said that is correct and this would be similar to the work on the Garden Market standpipe which was completed last year. We will fully isolate the tank down and the painting and maintenance will take place on the interior and exterior. Staff is looking to

kick this project off and begin in the middle of April. Work will continue through the spring and into the summer. Staff does not anticipate an impact from this work although there might be a slight issue initially at the shutdown on a localized basis due to direction flow change in the pipes early on. Once it is off-line, pressure should be maintained throughout the system, similar to the standpipe. Director Supert said staff is planning to do our hydrant flushing program, which is part of our standard maintenance, before we do the elevated tank maintenance to try to alleviate any sort of sediment in the pipes and try to minimize disruption.

Director Supert said Well #5 is not needed to move forward with this maintenance project. That would only come into play if we had a situation where either Well #3 or #4 were off-line and we were trying to keep up with high summer demand. Director Supert added that Well #5 is anticipated to be online in advance of the high demand months and hot days of summer. Finalization of test pumping for Well #5 is anticipated within the month. President Gallagher noted that the bid includes the lettering “Village of Western Springs” on the tank which the Board previously discussed.

A roll call vote of all Trustees is needed to approve a motion to award a contract to Era-Valdivia Contractors, Inc. of Chicago, Illinois.

MOTION:

Trustee Fink moved, seconded by Lewis, to Award A Contract To Lowest Cost, Qualified And Responsible Bidder, Era-Valdivia Contractors, Inc. Of Chicago, Illinois For The Elevated Tank Project In The Amount Of \$849,900.

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

OLD BUSINESS

There was none.

OTHER BUSINESS

There was none.

EXPLANATION OF OMNIBUS VOTING PROCEDURE

President Gallagher explained that the Illinois State Statutes allow 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. President Gallagher asked if there was such a

request.

There was not.

CONSIDERATION OF AN OMNIBUS VOTE (*)

Trustee Tyrrell moved that the following ordinances, resolutions and motions as contained on the meeting agenda for January 25, 2021, be adopted and/or approved under an omnibus vote:

- 1) *APPROVAL OF THE MEETING MINUTES OF DECEMBER 21, 2020 AND JANUARY 11, 2021 AS READ
- 2) *ORDINANCE 21-3030 AUTHORIZING THE DISPOSAL OF SURPLUS PERSONAL PROPERTY OWNED BY THE VILLAGE OF WESTERN SPRINGS DEPARTMENT OF LAW ENFORCEMENT SERVICES (2001 Buick Regal LS Vehicle)
- 3) *ORDINANCE 21-3031 APPROVING AND AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 1 ENTERED INTO BETWEEN THE VILLAGE OF WESTERN SPRINGS AND G & M CEMENT CONSTRUCTION, INC. FOR THE 2020 PROSPECT AVENUE IMPROVEMENTS PROJECT
- 4) *ORDINANCE 21-3032 APPROVING AND AUTHORIZING THE EXECUTION OF CHANGE ORDER NO. 3 TO WELL NO. 5 CONSTRUCTION PROJECT CONTRACTS FOR PURPOSES OF ENTERING INTO A CONTRACT BETWEEN THE VILLAGE OF WESTERN SPRINGS AND WATER WELL SOLUTIONS ILLINOIS, LLC FOR PURCHASE AND INSTALLATION OF A BAKER HUGHES E6 DOWNHOLE SENSOR/MONITORING ASSEMBLY PACKAGE (CONTRACT AMOUNT \$38,373.00)
- 5) *RESOLUTION 21-2596 APPROVING AND AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1 TO A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE VILLAGE OF WESTERN SPRINGS AND HR GREEN, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR PERFORMANCE OF PHASE II DESIGN AND PHASE III CONSTRUCTION ENGINEERING SERVICES RELATED TO THE PROSPECT AVENUE RECONSTRUCTION PROJECT
- 6) *MOTION APPROVING AND AUTHORIZING THE EXECUTION OF A STENSTROM PROPOSAL (BID #2020-1504) FOR DIESEL TANK SUMP PUMP, DISPENSER SUMP AND PIPING INSTALL WORK IN THE AMOUNT OF \$38,225 WITH A WAIVER OF THE BID PROCESS (BID WAIVER DUE TO SOURCED PARTS AND MANUFACTURER WARRANTED PARTS FOR THE STENSTROM INSTALLED AND MAINTAINED FUEL SYSTEM)
- 7) *MOTION TO APPROVE AMENDMENTS TO INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF WESTERN SPRINGS AND LYONS TOWNSHIP HIGH SCHOOL DISTRICT 204 FOR THE USE OF THE METROPOLITAN

AREA NETWORK

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.

OTHER

There was REPORTS

8) MONTHLY FINANCIAL REPORT (Rudolph)

Trustee Rudolph presented the highlights of the December monthly report. In the General Fund, all revenue categories came in under projections, or under budget, as we might have expected given the COVID year. The Village's sales and local use taxes did remain very strong, generating almost 6% more in 2020 than in 2019. Consistent with our November report, the local use tax produced 25% more receipts than in 2019 but also consistently, our fines and investment income were significantly down. The consumption billed in December in our Water and Sewer Funds, for the period covering September 16 to November 16, was 16% higher than consumption billed in 2019 for the same period. Overall, the annual consumption was 16% higher than the prior year.

The Police Pension Fund posted unrealized gains of 3.28% in December and we maintain a 12-month trailing return of just over 16.32% beating our return on investment assumption of 6.75%.

MOTION:

Trustee Rudolph moved, seconded by Tyrrell to approve the December monthly report.

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

Trustee Rudolph reported that the Public Works and Water Committee and the Finance Committee met on the January 21, 2021 in their second joint meeting to consider the Village's long-term capital improvement needs and plans. The overall summarized capital investment outlook has identified between \$55 and \$70 million in capital infrastructure needs over the next 5-10 years. This will be the first of what will likely be many times that we will be hearing about this over our next several meetings. Much of the Village's infrastructure was constructed in the early 19th century between 1920 and 1960 and much of that infrastructure is reaching its end of life. The Village's current funding revenues cannot meet the needs of the capital improvements required and the Village is undertaking a multi-pronged approach to begin a comprehensive long-term

funding analysis. More details will be coming in future meetings. Village staff has provided the committees of an overview of our capital improvement funding options for the Village to consider. The good news is that there are a few things that we can look into and the committees intend to continue to meet through 2021 to utilize these various funding mechanisms utilized by other communities in Illinois including referendum options, utility districts and special service areas. We are not unique in the age of our infrastructure and there are other communities that we can look to for some of their ideas and solutions that they have come up with and that is part of the many, many pieces of information and due diligence that we will be undertaking in the weeks ahead.

9) VILLAGE PRESIDENT GALLAGHER

President Gallagher polled the Board of Trustees on their availability to meet in March. The first meeting of the month is scheduled on March 8, 2021. The second meeting was scheduled for March 22 but after discussion, it was determined that two of the Board members would potentially be on vacation on March 22 due to the public-school spring break. After discussion, a determination was made to move the March 22 Board meeting to March 29, 2021.

On January 12, 2021, President Gallagher, along with Trustee John, Director of Engineering Services Jim Tock, Director of Municipal Services Matt Supert, Assistant Director Casey Biernacki and Village Manager Velkme productive meeting with the Ridgewood Flood Committee. meeting - and I participated in a productive meeting with the Ridgewood Flood Committee. This committee is a small group of Ridgewood residents who have volunteered their time to stay in touch with the Village Board as we negotiate these myriad infrastructure improvements that Trustee Rudolph alluded to in her report. We will continue to provide updates and statuses to the committee, as there is news to provide and as we move forward, as well as all of our residents.

On January 19, the CMAP Council of Mayors held a meeting. At that meeting, there was not much to update, but the IDOT liaison overseeing local grants said that after a slow year last year where many municipalities pulled their projects because of lack of funding or available funding to meet their match, that now this year they are seeing an uptick in projects submittals so that is good news that, hopefully, our economy is coming back on track.

Earlier this evening, Village Manager Velkme, Clerk Horvath and President Gallagher attended the Fire Department ceremony where Clerk Horvath swore in our new Chief Mike Kelly and Deputy Chief Brian Scott. In these COVID times, we couldn't have our usually pomp and circumstances, but President Gallagher said she sees that Chief Kelly is on the Zoom meeting and asked everyone to join her in a round of applause congratulating Chief Kelly on his new position. She welcomed Chief Kelly to the position and said she looked forward to working with him.

President Gallagher wished everyone happy shoveling.

10) VILLAGE MANAGER VELKME

No report. Village Manager Velkme asked everyone to be careful on the roads tonight.

11) VILLAGE ATTORNEY JURUSIK

No report.

ADJOURN

MOTION:

Trustee Tyrrell moved, seconded by Lewis, to adjourn this meeting

The motion passed on a roll call vote.

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

Voting nay: None.

The meeting adjourned at 7:47 p.m.

Respectfully submitted,


Acting Village Clerk James Horvath