

## A G E N D A

COMMITTEE OF THE WHOLE MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK TO BE HELD ON MONDAY, DECEMBER 18, 2023, AT 5:30 P.M. AT THE COMMUNITY RESOURCE CENTER (CRC), 825 MIDWAY DRIVE, WILLOWBROOK, IL, DUPAGE COUNTY, ILLINOIS

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. VISITORS' BUSINESS - Public Comment is Limited to Three Minutes Per Person
5. OMNIBUS VOTE AGENDA
  - a. WAIVE READING OF THE MINUTES (APPROVE)
  - b. MINUTES - BOARD OF TRUSTEES COMMITTEE OF THE WHOLE MEETING, NOVEMBER 27, 2023 (APPROVE)
6. ITEMS FOR DISCUSSION:
  - a. DISCUSSION REGARDING THE ESTABLISHMENT OF A COMMUNITY TREE ORDINANCE
  - b. EXECUTIVE DRIVE FLOOD CONTROL PROJECT
7. ADJOURNMENT

MINUTES OF THE COMMITTEE OF THE WHOLE OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, NOVEMBER 27, 2023 AT 5:30 P.M. AT THE COMMUNITY RESOURCE CENTER, 825 MIDWAY DRIVE, WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

1. CALL TO ORDER

The meeting was called to order at 5:30 p.m. by Mayor Frank Trilla.

2. ROLL CALL

Those physically present at roll call were Mayor Frank Trilla, Village Clerk Deborah Hahn, Trustees Mark Astrella, Sue Berglund, Umberto Davi, Michael Mistele, Gayle Neal, Gregory Ruffolo, Village Attorney Michael Durkin, Village Administrator Sean Halloran, Assistant to the Village Administrator Alex Arteaga, Director of Community Development Michael Krol, Director of Parks and Recreation Dustin Kleefisch, Chief Financial Officer Lora Flori, Chief Lauren Kaspar, Deputy Chief Gerard Wodka, Deputy Clerk Christine Mardegan, and Public Works Foreman AJ Passero.

ABSENT: Deputy Chief Benjamin Kadolph.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

Mayor Trilla asked Deputy Chief Wodka to lead everyone in saying the pledge of allegiance.

4. VISITORS' BUSINESS

None present.

5. OMNIBUS VOTE AGENDA

a. WAIVE READING OF THE MINUTES (APPROVE)

b. MINUTES - BOARD OF TRUSTEES COMMITTEE OF THE WHOLE MEETING - OCTOBER 23, 2023 (APPROVE)

Mayor Trilla asked the Board if there were any items to be removed from the Omnibus Vote Agenda.

MOTION: Made by Trustee Davi and seconded by Trustee Berglund to approve the Omnibus Vote Agenda as presented.

ROLL CALL VOTE: AYES: Trustees Astrella, Berglund, Davi, Mistele, Neal and Ruffolo. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

6. ITEMS FOR DISCUSSION:

a. DEVELOPMENT CONCEPT PLAN PROPOSAL AND PRESENTATION FOR 735  
PLAINFIELD ROAD

Director Krol opened the discussion on the proposed development of the site at 735 Plainfield Road. He identified the site as the Willowbrook Bowling Alley site and reviewed the history of its development.

The new owner of the property, Mr. Omar Dweydari, and his architect, were present to provide details of the proposed development. The plan is to use the existing bowling alley structure for an indoor used electric car dealership, expanding the building to include a vehicle service area, and add two outlet drive-through restaurants.

Director Krol indicated that several zoning variances would be required if these plans were to move forward. He noted that from a preliminary review of the plans, at least 7 variations would be required. The plans would also need to be formally presented to the Plan Commission, undergo the public hearing process, and be approved by the Village Board.

Administrator Halloran indicated that currently staff is seeking direction and feedback only from the Board at this time. Staff is not seeking any approvals at this meeting. He asked the Board to provide Mr. Dweydari with feedback as to whether his proposed development is an appropriate use of the site and is a use the Board would consider allowing.

Mr. Dweydari's and the architect provided more specific details on the design and layout of the buildings and use of the proposed site.

The Mayor opened the floor to questions and comments by the Trustees. Some of the topics that were discussed:

- Traffic impact study - not currently completed at this stage of planning
- Traffic pattern onto Plainfield Road - right in, right out only
- Vehicle deliveries - no large-scale deliveries, all vehicles would be loaded or offloaded on the property, not on Plainfield Road.
- Left turn in or out onto Plainfield Road - property's second entrance is at the traffic light for Town Center and Pete's Market access.
- Sales tax accounting - with multiple dealership locations, sales are recorded in the Village where the vehicle is sold, not recorded in a centralized location.
- Construction timeline
- Approval by additional jurisdictions, i.e., DuPage County, State of Illinois

Administrator Halloran reminded the Board that at this meeting, staff and Mr. Dweydari were seeking the Board's consensus as to whether they felt his plan was an appropriate use of the property before he proceeded with more a formal approval process.

The Board provided a split decision over the proposed use of the site. The Trustees were concerned with the use density of the three on-site businesses and felt a more appropriate use would be for additional retail.

Mr. Dweydari did not want to go to the expense of full design, engineering or environmental studies or plans if the Board did not feel his project was appropriate for the Village. He indicated if he received positive feedback, he would certainly provide specifics to the Plan Commission and the Board. The Mayor suggested to Mr. Dweydari that he work with Director Krol and Administrator Halloran to see if there is some way to revise the proposed development and present the information to the Board again at a later date.

#### b. PROPOSED BUILDING PERMIT FEE UPDATE

Director Krol asked for feedback regarding a proposed update of the building permit fees which was last updated in 2019. The Community Development department has been working on providing better service to the residents about the permit procedure.

Staff has found that several permits can be done in-house, without the use of consultants, including review, inspection and certification. Staff is proposing changing from a per item fee to creating an all-inclusive price for the permits on these types of projects. Overall, the all-inclusive fees turn out to be slightly lower.

In considering a change in the permit fees, staff surveyed the permit schedules of 20 different local communities. The all-inclusive residential fees are lower, but the non-residential permits were higher. The department internally reviewed previously issued permits and, using the 1% fee, the cost was beneficial. In fourteen of the twenty communities researched, fee pricing is a percentage-based permit fee with a minimum.

With some of the multi-family and non-residential permit fees, staff is reviewing the current cubic foot content fees and recommending an increase in the fee cost.

Administrator Halloran noted that after testing the new fee structure on previous projects, although some of the basic permit fees were higher and some lower, the overall revenue model increased. Although the revenue was a consideration in reviewing the fees, a large part of it was to

standardize and simplify the permitting process particularly for residential projects.

Mayor Trilla offered his compliments to the Community Development staff in making the permitting process simpler. Where 67%-70% of permits are now being approved in one day, that was unheard of just a few years ago when no permits were approved in a day. Staff listened to the Board and made vast improvements.

#### c. WATER UTILITY CUSTOMER PORTAL IMPLEMENTATION

Assistant to the Administrator Arteaga presented an overview of the background and result of the RFP released in September 2024 and benefits to customers and staff of a water utility customer portal.

Staff recommends accepting the bid received from Dropcountr (a KUBRA company) which offers the features needed and can be integrated with the Village's current Aclara utility software. The overall 3-year cost of the bid is \$42,500. The implementation of the water utility portal will lead to overall better customer service and better water management.

The Board provided their consensus to move forward with the project.

#### d. PRESENTATION OF FISCAL YEAR 2023-24 YTD OCTOBER 31, 2023 FINANCIAL RESULTS OF THE GENERAL FUND.

Chief Financial Officer Flori presented the year-to-date General Fund financial results for the fiscal year 2023-2024. She noted that 80% of the Village's revenue comes from eight sources, with 60% coming from sales taxes.

Operating revenues for the six months ending October 2023 increased by approximately 4.5% over the fiscal year 2022/2023. Fifty-six percent of the increase is from the top 5 revenue sources, despite a 13% decrease in the utility tax revenues and a 4% decrease in income tax. Red light camera revenue had the largest percentage increase of the top 5 revenue sources at approximately 17%. Approximately 50% of the remaining revenue sources was generated by building permit fees with a nearly 50% increase over fiscal year 2022/2023.

Comparing operating revenues, actual versus budgeted, the total operating revenue was 54% of the total budget. Five of the twelve sources are at approximately 60% of the budgeted amounts.

Ms. Flori also reviewed the 3-year revenue trend for revenue in building permits, income taxes, red light camera fees, motor fuel taxes and hotel taxes.

For General Fund actual expenses, for 2023/2024, 65% goes to personnel and benefit expenses and the contractual services account for 23%. In comparing actual versus budgeted expenses by classification for the 6-months ending October 31, 2023, most of the actual expenses are approximately 42% to 46% of the budgeted expenses. It appears most departments are focusing on reducing expenses and cost-saving measures.

In summary, the General Fund balance has increased by approximately \$1.6 million.

e. DUPAGE WATER COMMISSION & CITY OF CHICAGO WATER SUPPLY CONTRACTS

Administrator Halloran explained that the DuPage Water Commission (DWC) has been in negotiations for a new contract with the City of Chicago, which to date has not been successfully negotiated and the DWC will be seeking an extension of the current contract of 15 to 20 years.

As a result of the contract discussions, the Village Board is required to pass two acts of legislation prior to December 31, 2023 in order to retain membership in the DuPage Water Commission. The approvals include (1) adopting a municipal contract extension agreement, and (2) a resolution, required in Section 16 of the existing DWC agreement, which requires concurrence from  $\frac{3}{4}$  (three-quarters) of the Commission's customers.

At the December 18<sup>th</sup> Board meeting, staff will present a resolution authorizing a DWC extension of the City of Chicago contract and an ordinance approving a new DWC/Customer contract.

7. ADJOURNMENT

MOTION: Made by Trustee Davi and seconded by Trustee Mistele to adjourn the Committee of the Whole meeting at the hour of 6:40 p.m.

ROLL CALL VOTE: AYES: Trustees Astrella, Berglund, Davi, Mistele, Neal, and Ruffolo. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

PRESENTED, READ, and APPROVED.

\_\_\_\_\_, 2023.

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Frank A. Trilla, Mayor

Minutes transcribed by Deputy Clerk Christine Mardegan.



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## COMMITTEE OF THE WHOLE

**AGENDA ITEM NO: 6.a.**

**DATE: December 18, 2023**

**SUBJECT:**

DISCUSSION REGARDING THE ESTABLISHMENT OF A COMMUNITY TREE ORDINANCE

### STAFF REPORT

**TO:** Mayor Trilla and Board of Trustees

**FROM:** Alex Arteaga, Assistant to the Village Administrator  
Sean Halloran, Village Administrator

**THROUGH:** Sean Halloran, Village Administrator

### PURPOSE AND ACTION REQUESTED

Staff is asking for a discussion with the Board regarding a new comprehensive ordinance that addresses sustainability and the maintenance of the Village's forestry.

### BACKGROUND/SUMMARY

In this year's set of strategic initiatives, staff has focused on applying for and receiving the Tree City USA award for the first time in the Village's history. The Tree City USA program is sponsored by the Arbor Day Foundation in cooperation with the USDA Forest Service and the National Association of State Foresters. The program provides direction, technical assistance, public attention, and national recognition for community forestry or tree programs in more than 3,400 towns and cities. Some of the benefits of being a Tree City USA community are providing a framework for better care of public trees, providing community education for citizens about trees, civic pride in trees, and preferred eligibility for possible allocations of grant funding for tree programs.

Most of the neighboring towns including Burr Ridge, Clarendon Hills, Hinsdale, Elmhurst, and Lisle have been established as Tree City USA award winners for quite some time.

The attached ordinance provides clarity and direction to residents and the general public of the Village's stance with regard to tree maintenance. For example, the new ordinance codifies:

- Provide clear direction to the public via Section 2 – Definitions on what is permitted in the Village.
- Establishment of enforcement of the code via the Director of Public Works.
- Establishment of permit requirements for planting, trimming, or removal of trees in the public right-of-way.
- Establishment of an approved/prohibited species list.
- Establishment of standards for tree planting, tree trimming, and tree removal.

### FINANCIAL IMPACT

There is no financial impact.

### RECOMMENDED ACTION:

Staff recommends moving forward to add this ordinance to the Village Code of Ordinances

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## ARTICLE I. IN GENERAL<sup>1</sup>

### Sec. -1. Purpose.

This article shall govern the planting, removal, and maintenance of trees, shrubs, and other plantings ("trees") in, on, or over any street, right-of-way, or other public property ("public way") under the jurisdiction of the Village. The specific goals of this section are to:

- (1) Protect, preserve, and enhance the quality of life and general welfare of the Village, its residents, and its property owners; and conserve and enhance the Village's natural, physical, and aesthetic environment.
- (2) Preserve, protect, and enhance the urban forest to ensure that trees are properly planted and maintained within the Village so that trees can protect, enhance, and preserve the quality of life for people within the Village.
- (3) Recognize that trees are an integral part of the infrastructure of the Village and as such should be preserved, protected, and cared for as other critical Village infrastructure.
  - a. Trees absorb pollution from the air.
  - b. Trees absorb and sequester carbon dioxide.
  - c. Trees absorb and filter pollution from stormwater run-off.
  - d. Trees produce oxygen.
  - e. Trees reduce flooding.
  - f. Trees stabilize soils and reduce erosion.
  - g. Trees reduce energy consumption by shielding structures from harsh winds and sun.
  - h. Trees provide a buffer and screen against noise, light, and pollution.
  - i. Trees improve property values.
  - j. Trees improve commercial district buyer traffic and purchasing.
  - k. Areas with trees have higher levels of community interaction.
  - l. Trees provide important habitat for birds and other wildlife; and
  - m. Trees protect and enhance our quality of life.
- (4) Trees provide the Village collective benefits that extend beyond property boundaries throughout the entire Village.
- (5) Recognize that some trees may have a condition that constitutes a threat, danger, or nuisance to the public or property within the Village or may be dangerous to the health of other trees and vegetation in the Village.

(B) Disclaimer of liability. Nothing contained in this Code shall be deemed to impose any liability upon the village, its officers, agents or employees, nor to relieve the owner of any private property from the duty to keep any tree, shrub or plant upon any area abutting his/her property or under his/her control in such condition as to prevent it from constituting a hazard or an impediment to travel or vision upon any street, alley or public place within the village.



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## Sec. - 2. Definitions.

The following definitions shall apply unless the context clearly indicates or requires a different meaning.

***Acceptable tree species***—A species of tree suitable for planting along streets and not specified as unacceptable/not approved.

***Arboricultural standards manual***—ANSI Z-133.1 Standards: American National Standards Institute safety standards for tree care operations and ANSI A300: American National Standards Institute standard practices for tree care operations.

***Arborist***—One who is versed in the art and science of arboriculture, including tree surgery, the prevention and cure of tree diseases and the control of insect pests.

***Canopy***—The upper portion of a tree sometimes called the crown. This section of the tree usually contains branches and leaves.

***Certified arborist***—A professional who is certified through the International Society of Arboriculture as possessing the technical competence through experience and related training to provide for or supervise the maintenance of trees and other woody plants in the residential, commercial, and public landscape.

***Contractor***—A person, company or organization employed to supply the necessary skills and services in trimming, removing, cabling and maintenance of trees and shrubs.

***County***—DuPage County, Illinois.

***Emerald ash borer (EAB)***—A destructive, non-native insect pest that attacks ash trees.

***Hazardous tree***—Any tree deemed a public hazard by the village's Forestry Supervisor or Forestry Technician. The hazardous tree may present possible or potential physical damage to person or property or biological danger to adjacent trees through transmittable disease or insect infestation.

***Infrastructure***—The basic underlying framework or features that provide collective services, including but not limited to roads, water and sanitary lines, storm sewers, bioswales and trees.

***Large stature tree***—Those trees which attain a mature height of greater than 25 feet and mature width of greater than 30 feet.

***Low-growing tree***—Those trees that attain a mature height of 25 feet or less. See Small stature tree.

***Maintenance***—The pruning, mulching, watering, cabling/bracing, fertilization, and pest management practices necessary for plant/tree/shrub growth.

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**Overhead utility**—Any streetlight, telephone, communications, cable TV, primary or secondary electrical distribution line that is above ground.

**Person**—Any person, firm, partnership, association, corporation, company, or organization of any kind except for a public utility.

**Private tree**—Any tree located on private property.

**Prohibited tree species**—Those tree species that, because of their undesirable traits, are prohibited from being planted on the village right-of-way.

**Property line**—The outer edge of a street or highway right-of-way.

**Property owner**—The person, persons, or entity or entities owning a parcel of real property as shown by the DuPage County Recorder of Deeds office.

**Pruning**—The removal of specific branches (living or dead) from a tree to improve its structure, its health and/or to maintain safety while allowing for natural growth of the tree.

**Public hazard**—A tree that is unsafe due to a structural defect and poses an unacceptable level of risk to persons and property.

**Public nuisance**—Any tree or shrub which, by reason of its condition, interferes with the use of any public place; is infected with an injurious plant disease; is infested with an injurious insect or other pest; is detrimental to the construction of public improvements; or endangers the life, health, safety, or welfare of the public or its property.

**Public place**—That part of every street or alley between the lot line and curb and from property line to property line, and any other land owned or controlled by the village.

**Public tree**—Any tree located on property belonging to or under the jurisdiction of the village.

**Public utility**—Any utility company authorized by Illinois State Statute or village franchise agreement to operate within the village.

**Right-of-way**—A strip of land over which the village has the right by ownership or dedication to construct a public street, sidewalk, or use for public utilities.

**Risk**—The likelihood of a conflict or tree failure occurring and affecting a Target and the severity of the associated consequences - personal injury, property damage, or disruption of activities or event and severity of the potential consequences. Determination of Risk is made through a Tree Risk Assessment and Tree Risk Evaluation.

**Shrub**—A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

**Spacing requirements**—All trees planted along the streets shall conform to the spacing requirements stated in within the Code.

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**Target**—People, property or activities that could be injured, damaged, or disrupted by a tree.

**Topping**—The severe cutting back of branches of a tree to a stub, bud, or a lateral branch not large enough to assume the terminal role to such a degree to remove the normal canopy and disfigure the tree.

**Tree**- Any self-supporting woody plant, together with its root system, trunk, and canopy; growing upon the earth usually with a single or multi-stemmed trunk system.

**Tree Risk Assessment**—A systematic process to identify, analyze and evaluate tree risk.

**Trimming**—See pruning.

**Village**—The geographical area lying within the municipal boundaries of the Village, DuPage County, Illinois.

#### **Sec. 78-2. Enforcement.**

The Director of Public Works or an authorized representative is hereby empowered to superintend and regulate the planting, preservation, protection, removal, and maintenance of trees on or over any street, right-of-way or other public property ("public way") under the jurisdiction of the Village. The Village shall have the right to plant, prune, maintain, and remove any and all plantings in public ways when the Village, in its sole discretion, deems it necessary.

#### **Sec. 78-3. Permit requirements.**

- (a) *Permit required.* Excluding Village work, it shall be unlawful to plant, place, trim, remove, treat, damage, cut, tap, carve, transplant, or attach a rope, wire, nail, sign, poster, or any other object to any tree, shrub or other planting in any public way without having first obtained a permit therefor.
- (b) *Application for permit.* Applications for a permit shall be made in writing to the director of public works and shall contain such information as the director of public works may, from time to time, require. Application forms shall be available from the director of public works. In the absence of the needed permission, the director of public works or an authorized representative may require the removal of any non-permitted tree, either by the property owner or the Village.
- (c) *Issuance of permit.* The director of public works or his representative shall issue a permit after a complete application is filed, provided the work to be performed is in compliance with all provisions of this Code. Permits may contain such conditions as the director of public works deems necessary for the proper administration of this chapter and to ensure compliance with this Code.

#### **Sec. 78-4. Planting standards.**

- (a) Trees shall be planted using best management practices, and shall have a minimum diameter of two inches measured at a distance of six inches above the ground and shall have a continuous single trunk. All trees shall be free from deformity and an indication of undesirable growth characteristics.
- (b) Trees, when planted, shall be free of infectious disease or insect infestation.
- (c) The Village may consult with a Certified Arborist for the placement and location of trees in the public right-of-way less than eight feet in width as measured between the sidewalk and curb or edge

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of the pavement, or 14 feet between the property line and curb or edge of the pavement, shall be subject to the approval of the director of public works or his designee.

- (d) Trees within the public right-of-way or within private property for corner lots shall not be planted closer than 30 feet from the property corner adjacent to the street intersection.
- (e) Spacing of trees shall be as follows unless otherwise approved by the director of public works or his designee. Trees shall be planted:
  - (1) At 30-foot intervals from existing trees;
  - (2) A minimum distance of five feet from driveway aprons measured at the curb or edge of pavement, sidewalks, utility mains and their appurtenances, and utility service lines;
  - (3) A minimum distance of ten feet from alleyways, streetlight poles and utility poles; and
  - (4) A minimum distance of 15 feet from any crosswalks or traffic control device.
- (f) No tree shall be planted where the soil is too poor to ensure the growth of such tree.
- (g) Only low-growing trees that do not exceed 25 feet at maturity shall be planted within the public way under overhead utility lines, including service lines.
- (h) Approved species. Tree species planted in the public way must conform to the public way tree planting list as approved by the director of public works or his designee which are included in planting standards on file with the Village.

**Sec. 78-5. Prohibited species.**

It shall be unlawful to plant any of the following trees within the public way:

Common Name	Botanical Name
Fir	Abies (all species)
Box Elder	Acer Negundo
Tree of Heaven	Ailanthus glandulosa
Hawthorn	Crataegus (var. w/ thorns)
Russian/autumn	Olive Elaeagnus (all species)
Ginkgo (female var.)	Ginkgo (female var.)
Walnut	Juglans (all species)
Juniper	Juniperus (all species)
Ash	Fraxinus (all species)
Osage orange	Maclura pomifera
Mulberry	Morus (all species)
Spruce	Picea (all species)
Pine	Pinus (all species)
Poplar	Populus (all species)
Black cherry	Prunus serotina
Douglas fir	Pseudotsuga menziesii
Bradford pear	Pyrus calleryanan Bradford
Buckthorn	Rhamnus (all species)
Sumac	Rhus (all species)
Black locust	Roninia Pseudoacacia
Willow	Salix (all species)

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Yew	Taxus (all species)
Arborvitae	Thuja (all species)
Hemlock	Tsuga (all species)
Siberian elm	Ulmus pumila
Fruit bearing trees	

**Sec. 78-6. Approved Species list.**

Autumn blaze maple
Sugar maple
Amur maple
Freeman maple
Swamp white oak
Burr oak
Triumph elm
Accolade elm
Kentucky coffee
American sentry linden

**Sec. 78-7. Tree trimming.**

All trees within the public way will be trimmed in accordance with the Arboriculture Standards Manual using best management practices. The trimming of street trees shall be accomplished only by the Village employees, those licensed tree care companies contracted by the Village to perform such work, or a public utility.

- (1) Systematic trimming and pruning shall be carried out to accomplish the following:
  - a. Removal of dead branches, seriously damaged branches, and unbalanced branches and limbs.
  - b. Remove all lower limbs to a minimum height of 14 feet on all sides of the tree and uniformly balance the tree structure.
  - c. Shaping of young trees so that they will develop a single tall, straight trunk, a strong central framework or branch structure, and a symmetrically balanced crown.
  - d. Reasonable removal of limbs that seriously interfere with or hinder the proper development of adjacent public way and/or private trees.
  - e. All final cuts shall be "collar cuts" made sufficiently close to the trunk or parent limb, without cutting into the branch or collar or leaving a protruding stub, so that closure can readily begin under normal conditions.
  - f. All limbs to be removed shall be cut in such a manner so as to prevent any ripping or tearing of the wood or bark on the parent or remaining stem.
  - g. No tree topping shall be allowed.

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- (2) All contractors, utilities or contractors working for utilities shall not use climbing irons in trees on Village public ways for any purpose other than removal of that tree or in an emergency.

**Sec. 78-8. Tree removal.**

- (a) No person shall, without written permission from the director of public works, remove, destroy, break, cut, deface, trim, injure or interfere with any tree, shrub or woody plant growing in any public way.
- (b) Trees shall be removed from the public way when determined necessary by the director of public works or his designee for reasons of tree health and public safety. Prior to such removal, notice will be given to the resident of the abutting private property stating the reason for the removal. In the event of an emergency, the Village has the authority to remove any tree in the public way without said notice when considered necessary for public safety.
- (c) Upon the removal of any tree located in a public way, the stumps will be ground to a depth of 12 inches below the existing grade. Stump grindings will be removed, replaced with topsoil, and restored with topsoil and grass seed.
- (d) Nothing in this section shall serve to prevent other governmental agencies or private utility companies from performing their functions in compliance with local laws, ordinances, franchise agreements, or other agreements approved by the Village.

**Sec. 78-9. Overhanging branches—Duty of owner to remove.**

- (a) *Definitions.* The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Owner* shall mean a person or entity who has a vested interest in the property whether by deed, as beneficiary, or owner in equity.

*Public way* for purposes of this article only, public way shall mean that are that runs between property lines, is dedicated for public conveyance.

*Right-of-way* for purposes of this article only, right-of-way shall mean that area that runs between property lines, dedicated for streets.

- (b) *[Removal of overhanging hazard.]* Any tree or tree limb, shrub or other planting which overhangs any public way or right-of-way in such a way as to impede or interfere with traffic or travel, including safe line of sight, or interferes with any public or Village utility or is dead, decaying or broken and likely to fall on or across any public way or right-of-way, may be determined to be a public hazard by the police chief, director of public works or their designees. Upon such determination, the director of public works or his designee shall serve or cause to be served upon the owner of the premises, a written notice to remove the overhanging branches within 21 days. If the police chief, director of public works or their designee(s) determine that the overhanging branches creating the public hazard imminently endangers the safety of the public, the written notice served upon the owner of the premises shall require removal of the overhanging branches within seven days. If upon diligent search, the identity, or whereabouts of the property owner of any real estate containing hazardous overhanging branches cannot be ascertained, the notice provided for in this section shall be posted near the main entrance of the structure on the property or in a conspicuous place on the property. It shall be unlawful for anyone to deface, tamper with or remove the notice from the property where it is posted unless authorized by the Village.

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**Sec. 78-10. Protection from poles and wires.**

Any person or company given the right to maintain poles and wires in the streets, alleys or other public places in the Village shall, in the absence of provisions in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in any public place, so far as may be possible, and shall keep all such trees and shrubs properly trimmed, subject to the supervision of the Village, so that no injury shall be done either to the poles or wires or the shrubs and trees by their contact.

**Sec. 78-11. Protection from gas leaks.**

Any person or company maintaining any gas pipe in the Village shall, in the absence of provisions in the franchise concerning the subject, keep such pipes free from leaks so that no injury shall be done to any trees or shrubs.

**Sec. 78-12. Removal of unauthorized plantings.**

The Village may remove any unauthorized plantings within any public way without compensation to the owner.

**ARTICLE II. DUTCH ELM DISEASE/EMERALD ASH BORER CONTROL<sup>2</sup>**

**Sec. 78-13. Infected trees were declared a nuisance.**

- (a) All species and varieties of elm trees (trees of genus *ulums*) infected with the fungus known as Dutch elm disease (*Ceratostomella ulmi*) or any ash tree infested with Emerald Ash Borer (*Agrilus planipennis Fairmaire*) as determined by the Village forestry division, are hereby declared to be a public nuisance. All such trees shall be removed within 30 days following notification of such infection or infestation. It is unlawful for any person, being the owner of the property whereon such a tree is situated, to possess or keep such a tree after the expiration of the 30-day period following notification of the infection or infestation on their property.
- (b) All species and varieties of ash or elm trees that are dead or substantially dead, or parts thereof, which, because of their condition or location, may serve as a breeding place for the European elm bark beetle (*Scolytus multistriatus*), the native elm bark beetle (*Hylurgopinus rufipes*), and the Emerald Ash Borer (*Agrilus planipennis Fairmaire*), are hereby declared to be public nuisances.

**Sec. 78-14. Owner's duty to remove diseased trees.**

It shall be unlawful for any owner of any lot or parcel of land in the Village to permit or maintain on any such lot or parcel of land any ash, elm or parts of which, as provided in section 78-61(a) and (b), is a public nuisance, and it shall be the duty of any such owner to promptly remove and properly dispose of any such trees, and parts thereof, under the supervision and direction of the Village Administrator or his duly authorized representative.

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**Sec. 78-15. Right of entry; inspection by Village Administrator.**

In order to carry out the purposes of this article and to implement the enforcement thereof, the Village Administrator, or his duly authorized representative, is hereby authorized and empowered to enter upon any lot or parcel of land in the Village at all reasonable hours for the purpose of inspecting any ash and elm trees or parts thereof, situated thereon, upon obtaining the consent of any person in lawful possession of the subject property or upon obtaining a court order authorizing entrance onto the subject property.

**Sec. 78-16. Removal of specimens by manager.**

The Village Administrator, or his duly authorized representative, may remove such specimens from any tree as required for the purposes of laboratory analysis or to determine whether such tree, because it is dead or substantially dead, may serve as a breeding place for Emerald Ash Borer, European elm bark beetle and the native elm bark beetle.

**Sec. 78-17. Interference with manager.**

It shall be unlawful for any person to take any action to prevent the Village Administrator, or his duly authorized representative, from entering on any lot or parcel of land in the Village for the purpose of inspection, or to interfere with the Village Administrator, or such representative, in the performance of any of his duties provided for under the provisions of this article.

**Sec. 78-18. Notice to remove.**

If upon laboratory analysis of specimens removed from any ash or elm trees by the Village Administrator, or his duly authorized representative, it is determined that such tree is a public nuisance as provided in section 78-61(a), or if the Village Administrator determines that any dead, or substantially dead ash or elm trees, or parts thereof, is a public nuisance as provided by section 78-61(b), the Village Administrator shall cause a notice to be personally served or sent by registered mail to the person to whom was sent the tax bill for the general taxes for the last preceding year on the lot or parcel of land on which such ash tree, elm tree, or parts thereof, is located. Such notice shall identify the property, by common description, the tree or trees affected, and shall contain a request that such tree or trees be removed. In addition, such notice shall contain a copy of this article and any amendments thereto.

**Sec. 78-19. Contesting analysis—Request for additional analysis.**

The person upon whom notice is served under this article shall have ten days within which to contest the analysis provided for in this article and request that an additional sample be taken and an analysis be made by an independent laboratory engaged in the determination of the presence of Dutch elm disease or Emerald Ash Borer.

**Sec. 78-20. Same—Procedure.**

The contest and request for an additional analysis under section 78-67 shall be made by filing a statement in writing with the office of the Village Administrator, setting forth the name and address of the independent laboratory chosen by the contesting party to conduct such test. The contesting party shall select a laboratory from a list of qualified laboratories on file in the office of the Village Administrator.



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**Sec. 78-21. Same—Results of additional analysis.**

If, as a result of the independent laboratory analysis provided for in this article, it is determined that the tree in question is a public nuisance as defined in this article, the Village Administrator shall so advise the contesting party in writing and require that such party comply with the provisions of this article.

**Sec. 78-22. Removal of diseased or infected trees from Village property.**

Any ash tree, elm tree or parts thereof, on property owned by the Village, which is a public nuisance as provided by section 78-61(a) and (b), shall promptly be removed and properly disposed of under the supervision of the Village Administrator, or his duly authorized representative, at the expense of the Village.

**78-23 Appeals.**

Appeals to decisions by the Director, or to penalties imposed after violations of this ordinance, shall be heard by the Village Board.

**78-24 Savings and repeal**

All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

**78-25 Severability.**

Should any word, sentence, clause, paragraph, or provision of this Ordinance be held to be invalid or unconstitutional the remaining provisions of this Ordinance shall remain in full force and effect.



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## COMMITTEE OF THE WHOLE

**AGENDA ITEM NO: 6.b.**

**DATE: December 18, 2023**

**SUBJECT:**

EXECUTIVE DRIVE FLOOD CONTROL PROJECT

### STAFF REPORT

**TO:** Mayor Trilla and Board of Trustees  
**FROM:** Rick Valent, Director of Public Works  
**THROUGH:** Sean Halloran, Village Administrator

### PURPOSE AND ACTION REQUESTED

Staff recommends awarding construction of the Executive Drive Flood Control Project to Martam Construction, Inc.

### BACKGROUND/SUMMARY

The Executive Drive Flood Control Project will consist of roadway reconstruction for all of Plaza Court, approximately 700 feet, and approximately 1,125 feet of Executive Drive. The project will include the removal of pavement, trees, combination curb and gutter, driveways, storm sewers, storm sewer structures, water main, and water main structures. Improvements include stone aggregate subbase for flood control and raising the roadway profile with a perforated storm sewer convenience system below the roadway. The work includes excavation, stone aggregate and new storm sewer installation, hot-mix asphalt surface and binder course, combination curb, gutters and driveways, and a new ductile iron water main along Executive Drive from Quincy Street to Plaza Court.

Staff has conducted the formal bidding process and received four bids. The bid packet requested a base bid utilizing perforated polyvinyl chloride (PVC) for the main storm sewer trunkline and laterals, as well as an alternate bid utilizing perforated high-density polyethylene (HDPE). It is staff's opinion, and our consulting engineering firm's recommendation, to move forward with the base bid due to the increased strength and rigidity of PVC piping.

All four base bids were below the engineer's estimate with United Enterprise, LLC being the lowest bid in the amount of \$3,865,207.35. Calls were made to the company's references to verify their performance and qualifications and unfortunately several concerns regarding fulfilling the general contractor role required of this project surfaced. Further review identified they are not IDOT prequalified for aggregate bases and surfaces. While it was not a qualification of the bid, this type of work does comprise a large portion of the project.

The second lowest responsive and responsible bidder was Martam Construction, Inc. in the amount of \$3,870,664.50, a \$5,457.15 increase over the United Enterprise bid. Martam Construction, Inc. is more than qualified for a project of this nature, and is currently doing work for the Village, and is highly recommended by Christopher Burke Engineering.

**FINANCIAL IMPACT**

Bids for the Executive Drive Flood Control Project were received on November 29, 2023. All four bids are as follows:

<b><u>Company</u></b>	<b><u>Base Bid</u></b>	<b><u>Alternate Bid</u></b>
UNITED ENTERPRISE, LLC	\$3,865,207.35	\$3,771,964.35
MARTAM CONSTRUCTION, INC.	\$3,870,664.50	\$3,691,594.50
ALAMP CONCRETE CONTRACTORS, INC.	\$3,894,145.65	\$3,674,481.65
JOHN NERI CONSTRUCTION COMPANY, INC.	\$4,924,808.75	\$4,756,411.75
ENGINEER'S ESTIMATE	\$4,117,154.00	\$3,948,165.50

The full bid documents received from Martam Construction, Inc. are included in the agenda packet for the December 18, 2023 Board of Trustees meeting.

**RECOMMENDED ACTION:**

Staff recommends awarding construction of the Executive Drive Flood Control Project to the lowest responsive and responsible bidder, Martam Construction, Inc.

**Village of Willowbrook  
Executive Drive Flood Control Project  
(CBBEL Project No. 220547)  
Bid Opening November 29, 2023 @ 10:00 AM Bid Results**

[illegible]



**CHRISTOPHER B. BURKE ENGINEERING, LTD.**

9575 West Higgins Road Suite 600 Rosemont, Illinois 60018 TEL (847) 823-0500 FAX (847) 823-0520

December 5, 2023

Village of Willowbrook  
835 Midway Drive  
Willowbrook, IL 60527

Attention: Rick Valent

Subject: Executive Drive Flood Control Project  
(CBBEL Project No. 220547)

Dear Mr. Valent,

On Wednesday, November 29<sup>th</sup>, at 10:00 a.m. bids were received and opened for the aforementioned project. Four (4) bids were received, and they have been summarized below.

<u>COMPANY</u>	<u>BASE BID (As READ)</u>	<u>ALT 1 BID (As READ)</u>
ENGINEER'S ESTIMATE	\$4,117,154.00	\$3,948,165.50
UNITED ENTERPRISE, LLC	\$3,865,207.35	\$3,771,964.35
MARTAM CONSTRUCTION, INC.	\$3,870,664.50	\$3,691,594.50
ALAMP CONCRETE CONTRACTORS, INC.	\$3,894,145.65	\$3,674,481.65
JOHN NERI CONSTRUCTION COMPANY, INC.	\$4,924,808.75	\$4,756,411.75

On the Base Bid, United Enterprise, LLC is the low bidder with a bid amount of \$3,865,207.35 which was below the Engineer's Estimate. On the Alternate 1 Bid, Alamp Concrete Contractors, Inc is the low bidder with the bid amount of \$3,674,481.65, which is also below the Engineer's Estimate. CBBEL has reviewed the bids from all bidders and believes all bids are in order. Based on the received bids, the cost difference between the low bid of the Base Bid and the low bid of the Alt 1 Bid is \$190,725.70.

In the past, Alamp Concrete Contractors, Inc has successfully completed work for several other municipalities. Attached are the phone logs from our reference checks.

United Enterprise LLC gave two General Contracting references, one of which is for the City of Chicago which was not able to be contacted for verification. The other general contracting reference reveals several concerns with the General Contracting role. All other performance references submitted by United Enterprise LLC are for subcontracting services, primarily consisting of underground utility work within the City of Chicago. CBBEL staff are not aware of other projects completed by United Enterprise LLC and do not have a working history with the company. While not a specific contract requirement, United Enterprise LLC is not IDOT prequalified for Aggregate Bases & Surfaces, which comprises a large portion of the Executive Drive Flood Control Project.

As part of our due diligence, we have also contacted references provided from Martam Construction, Inc.

Enclosed for your review are the reference checks completed. If you have any further questions, please do not hesitate to contact me at (847) 823-0500.

Please let us know how the Village would like to proceed.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. M. Fell', with a stylized flourish at the end.

Lee M Fell, PE  
Assistant Department Head, Civil Engineering Design

cc: Orion Galeley – CBBEL (letter only)

ALAMP CONCRETE CONTRACTORS, INC

REFERENCES



## PHONE CONVERSATION LOG

DATE: November 30, 2023

PERSON (Contacted/Calling): Jim Bernahl

AFFILIATION: Director of Engineering, Village of Winnetka

PHONE NUMBER: (847) 716-3261

CBBEL REPRESENTATIVE: Dave Kleinwachter

PROJECT NAME/NUMBER: Village of Willowbrook  
Executive Drive Flood Control Project  
220547

### NOTES:

#### **What projects did you work on with Alamp?**

- Annual Street Program, Streetscaping

#### **What was your title on these projects?**

- Director of Engineering

#### **Was the contractor the General Contractor or a Subcontractor?**

- Alamp has been a General Contractor

#### **What was the approximate cost of the work?**

- Average streetscape projects \$1.5M-2M, annual street program is \$3M

#### **Was the job completed on time and within budget?**

- Yes, Alamp always completes projects on time and within budget

#### **Were there any change orders? If yes, for what?**

- No

#### **Were you satisfied with the quality of work performed?**

- Yes, we have been satisfied.

#### **Were they easy to work with?**

- Yes

#### **Would you recommend using them?**

- Yes, we would recommend using Alamp.

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9575 W Higgins Road, Suite 600 Rosemont, Illinois 60018-4920 Tel (847) 823-0500 Fax (847) 823-0520



UNITED ENTERPRISE LLC

REFERENCES



## PHONE CONVERSATION LOG

DATE: November 30, 2023

PERSON (Contacted/Calling): Mark Atkins  
AFFILIATION: President, Benchmark  
PHONE NUMBER: 630-497-1700  
CBBEL REPRESENTATIVE: Dave Kleinwachter  
PROJECT NAME/NUMBER: Village of Willowbrook  
Executive Drive Flood Control Project  
220547

### NOTES:

#### **What projects did you work on with United Enterprise LLC?**

- Worked with United Enterprise for over 10 years, working primarily in the City of Chicago. They have worked on storm and sanitary sewer point repair, water service transfers, water main, drainage structures.

#### **What was your title on these projects?**

- Many roles, project manager initially and have moved up the ranks to president. I do have

#### **Was the contractor the General Contractor or a Subcontractor?**

- Subcontractor

#### **What was the approximate cost of the work?**

- Several million on several occasions.

#### **Was the job completed on time and within budget?**

- Yes. They are conscientious of time and budgetary constraints.

#### **Were you satisfied with the quality of work performed?**

- Yes. They do quality work.

#### **Were they easy to work with?**

- Yes, they always answer their phones and are responsive.

#### **Would you recommend using them?**

- Yes

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## PHONE CONVERSATION LOG

DATE: November 30, 2023

PERSON (Contacted/Calling): John Gross

AFFILIATION: Vice President, Bigane Paving Co.

PHONE NUMBER: (312) 738-0600

CBBEL REPRESENTATIVE: Dave Kleinwachter

PROJECT NAME/NUMBER: Village of Willowbrook  
Executive Drive Flood Control Project  
220547

### NOTES:

#### **What projects did you work on with United Enterprise LLC?**

- Recently alley sewer project, poured restrictor, misc conc work, bread and butter is underground work. Concrete on Viaduct project

#### **What was your title on these projects?**

- Project Manager, but I do go in the field watching their crew occasionally.

#### **Was the contractor the General Contractor or a Subcontractor?**

- United Enterprise was a subcontractor

#### **What was the approximate cost of the work?**

- \$3M for the year in total for all of our contracts, up to \$500K maximum single contracts. United Enterprise worked on a water vault for the Nascar race downtown, it was a large underground contract

#### **Was the job completed on time and within budget?**

- Generally all jobs are completed on time and on budget, but there are exceptions for every company.

#### **Were you satisfied with the quality of work performed?**

- Yes, abosolutely, we are still hiring them and want to do more. We have been working with them for 15 years or more.

#### **Were they easy to work with?**

- Yes, they are very easy to work with.

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## PHONE CONVERSATION LOG

**Would you recommend using them?**

- Yes, we recommend them for concrete and underground work.

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## PHONE CONVERSATION LOG

DATE: December 5, 2023

PERSON (Contacted/Calling): Michael Guerra, P.E.

AFFILIATION: Public Works Director, Village of Villa Park

PHONE NUMBER: (630) 834-8505

CBBEL REPRESENTATIVE: Dave Kleinwachter

PROJECT NAME/NUMBER: Village of Willowbrook  
Executive Drive Flood Control Project  
220547

### NOTES:

#### **What projects did you work on with United Enterprise LLC?**

- Michigan Avenue Improvements Project

#### **What was your title on these projects?**

- Kevin Mantle is the Village Engineer, I was only involved a little directly but I oversee all project coordination.

#### **Was the contractor the General Contractor or a Subcontractor?**

- We understand that this was their first job as a General Contractor.

#### **What was the approximate cost of the work?**

- Roughly \$1.33M, involved water main replacement with reconstruction of the roadway and gas main relocation coordination with Nicor.

#### **Was the job completed on time and within budget?**

- This job was not completed on time. There were issues with Nicor gas relocating their main, and an unreported gas main break. Final project was completed under budget, but we did get liquidated damages of 9 days for not completing the work on time.

#### **Were there any change orders? If yes, for what?**

- Yes, two change orders. Both were balancing change orders (item closeout for items completed outside of original scope). The Village added these items, as residents asked for new sanitary service.

#### **Were you satisfied with the quality of work performed?**

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## **PHONE CONVERSATION LOG**

- We had some issues with the quality of work. Our standards are different than they have in Chicago. There was unreported damage to a gas line, but we ultimately couldn't determine if fault was theirs or Nicor's, as Nicor was also causing several problems. United Enterprise had several organizational issues on site and in the office, and had difficulty managing subcontractors. When confronted for items needing to be fixed, the phrase "we have done this in Chicago" was used, however in many cases what is done in Chicago does not meet Villa Park standards. There was a little bit of training involved to help them understand policies and procedures. Any issues with the Subcontractors is not a Village problem, that is between the prime and the sub.

### **Were they easy to work with?**

- Personality wise, yes

### **Would you recommend using them?**

- We would not recommend them to our Board.

### **Any other things you can share?**

- Their largest issue appeared to be managing all the paperwork as a general contractor.



MARTAM CONSTRUCTION, INC.

REFERENCES



## PHONE CONVERSATION LOG

DATE: December 5, 2023

PERSON (Contacted/Calling): Becka Shipp  
AFFILIATION: City of DesPlaines  
PHONE NUMBER: 847-391-5388  
CBBEL REPRESENTATIVE: Dave Kleinwachter  
PROJECT NAME/NUMBER: Village of Willowbrook  
Executive Drive Flood Control Project  
220547

### NOTES:

#### **What projects did you work on with Martam?**

- Water main projects, street reconstruction, and sidewalk programs

#### **What was your title on these projects?**

- I was the RE on these projects.

#### **Was the contractor the General Contractor or a Subcontractor?**

- General Contractor

#### **What was the approximate cost of the work?**

- The one contract amount was for \$3.6M

#### **Was the job completed on time and within budget?**

- Yes for both, they finished at \$3.4M total cost so the project was under budget. The project included 4600 ft of water main.

#### **Were you satisfied with the quality of work performed?**

- Yes, the quality of work is good.

#### **Were they easy to work with?**

- Yes, they have a superintendent out on site that is the master coordinator, one guy doing all the paperwork, another field person as

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## PHONE CONVERSATION LOG

### Would you recommend using them?

- Yes, they complete work in our town consistently and have done so for many years, on IDOT routes in our town (Cumberland Circle), and they have completed 2 years of our sidewalk program which includes alleyways.

### Any other things you would like to share?

- They seem to be relatively organized.





## PHONE CONVERSATION LOG

DATE: December 5, 2023

PERSON (Contacted/Calling): Ken Meilke

AFFILIATION: Kane County DOT

PHONE NUMBER: 630-885-3139

CBBEL REPRESENTATIVE: Dave Kleinwachter

PROJECT NAME/NUMBER: Village of Willowbrook  
Executive Drive Flood Control Project  
220547

### NOTES:

#### What projects did you work on with Martam?

- Martam has completed a lot of work for us over the years. There was a Roundabout project they completed in Batavia, flood control projects involving riprap and drainage structures, directional boring of drain tiles, quite a wide variety of work. They also completed bridge work in Elburn (Anderson Road over UPRR). They do a project for us just about every year.

#### What was your title on these projects?

- Construction Manager

#### Was the contractor the General Contractor or a Subcontractor?

- General Contractor

#### What was the approximate cost of the work?

- They have completed projects ranging from \$200,000 to \$23M for us. The Roundabout project was \$11M contract, and they finished \$1M under budget.

#### Was the job completed on time and within budget?

- Yes, almost all jobs are completed on time and within budget.

#### Were you satisfied with the quality of work performed?

- Yes, the quality of work is good. They subcontract out asphalt work, but they do concrete work and just about everything else themselves.

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## PHONE CONVERSATION LOG

**Were they easy to work with?**

- Yes, they are very easy to work with, we have a good relationship with them.

**Would you recommend using them?**

- Yes absolutely.





## PHONE CONVERSATION LOG

DATE: December 5, 2023

PERSON (Contacted/Calling): Peter Suhr

AFFILIATION: City of St. Charles

PHONE NUMBER: (630) 377-4405

CBBEL REPRESENTATIVE: Dave Kleinwachter

PROJECT NAME/NUMBER: Village of Willowbrook  
Executive Drive Flood Control Project  
220547

### NOTES:

#### **What projects did you work on with Martam?**

- Over the years a whole bunch of different types of projects, they are currently working on an outdoor plaza project in the downtown area, with brick pavers, steel structures, bench walls, utility work, and other hardscape work. But they also do other street work for us, water main improvements, roadway projects, sidewalks, and storm sewers.

#### **What was your title on these projects?**

- Director of Public Works. I was personally involved in the streetscape project, and oversee most other projects with a construction manager between myself and the contractor.

#### **Was the contractor the General Contractor or a Subcontractor?**

- General Contractor

#### **What was the approximate cost of the work?**

- Contracts generally average \$1M-\$3M, however they have capacity for easily \$10M or more size projects. The downtown streetscape project is \$6M.

#### **Was the job completed on time and within budget?**

- Yes for both, we've found that they have a good scheduling program, and they generally stay on schedule and within budget unless there are unforeseen conditions which they can't control.

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## PHONE CONVERSATION LOG

**Were you satisfied with the quality of work performed?**

- Yes, the quality of work is good or above average, they pay attention to detail.

**Were they easy to work with?**

- Yes

**Would you recommend using them?**

- Yes, definitely.

