

City of Oakbrook Terrace

City Hall
17W275 Butterfield Rd.
Oakbrook Terrace, IL 60181
www.oakbrookterrace.net



City Council Meeting Minutes

Tuesday, February 28, 2023
7:00 PM

City Council Board Room

Oakbrook Terrace City Council

Mayor Paul Esposito

City Clerk Michael Shadley

Ward 1

Alderman Charlie Barbari

Alderman Joseph Beckwith

Ward 2

Alderman Frank Vlach

Alderman Dennis Greco

Ward 3

Alderman Bob Rada

Alderwoman Mary Fitzgerald

I. CALL TO ORDER

Mayor Esposito called the February 28, 2023, Regular and Committee of the Whole Meeting of the City Council to order at 7:00 P.M.

II. ROLL CALL

Roll call indicated the following City Council members in attendance:

Present: Barbari, Beckwith, Fitzgerald, Greco, Rada, Vlach, and Mayor Esposito
Absent: None

Also in attendance: City Administrator J. Ritz, Assistant to the City Administrator A. Raffel, Public Services Director C. Ward, Finance Director M. Hoffman, Community Development Director M. Headley, and City Attorney R. Ramello.

III. PLEDGE OF ALLEGIANCE

Mayor Esposito led everyone in the Pledge of Allegiance.

IV. ADDITIONS OR DELETIONS TO THE AGENDA

None

V. APPROVAL OF MINUTES – CHANGES OR CORRECTIONS

1. Regular Meeting Minutes of February 14, 2023

Motion to approve the regular City Council minutes of February 14, 2023, was made by Alderman Beckwith and seconded by Alderman Vlach.

**Ayes: Barbari, Beckwith, Fitzgerald, Greco, Rada, and Vlach
Nays: None
Absent: None**

Motion passed.

VI. PUBLIC PARTICIPATION

President of Berkshire Homeowners Association Mr. Michael Dziallo addressed City Council regarding Aqua water billing. Mr. Dziallo stated that they first received notification regarding the sale and purchase of Aqua water in November 2022, and that the residents of Berkshire would like to know what steps could be taken in order to receive water from Oakbrook Terrace. Mr. Dziallo asked the council if it was possible to connect into the Oakbrook Terrace water system and if they would be able to appeal to the Illinois Commerce Commission (ICC)? Mayor Esposito explained that the City of Oakbrook Terrace residents were notified of the sale and purchase of the Village of Oak Brook’s water system. Mayor Esposito also explained how Oak Brook’s water infrastructure was aging and needed much work, and that some municipalities will choose to invest and upgrade their systems while others will sell off to private companies such as Aqua.

Mayor Esposito assured the Berkshire residents that internal discussions have taken place and that City Attorney Ramello is currently exploring this issue with Christopher B. Burke Engineering to complete an engineering study regarding possible water connections into the City of Oakbrook Terrace system. Mayor Esposito stated that a feasibility study is being completed to estimate the cost of acquiring the water infrastructure system and is hoping to have the preliminary numbers next week as the city continues to research every aspect of the Aqua water issue. Mayor Esposito also expressed that the ICC

approved the water infrastructure sale by Oakbrook along with the all the fees that Aqua is currently charging their customers.

City Attorney Ramello proceeded to relate that the City of Oakbrook Terrace has Home Rule powers and can acquire public utility systems within the city limits by purchasing the utilities or through the power of eminent domain. City Attorney Ramello then advised that an option for the City of Oakbrook Terrace would be to possibly work out an agreement with Aqua or file a condemnation lawsuit with the Circuit Court.

City Attorney Ramello further detailed that Aqua Illinois paid approximately \$12.5 million to the Village of Oakbrook to acquire their water infrastructure system along with paying an additional \$2 million for the acquisition, legal and engineering costs involved and he further specified that Aqua is proposing to invest an additional \$8.8 million for extra system improvements over the next five (5) years. City Attorney Ramello explained the possible costs involved for the City to connect the water system into the Berkshire area, that included land acquisitions along with construction and installation of new infrastructure and connections. He further stated that the overall costs of the project would then have to be financed with those costs then being rolled into everyone's water bill.

Alderman Fitzgerald asked for the definition of eminent domain and she also expressed how she is looking forward to seeing the engineering report, and is so grateful to Mayor Esposito, City Attorney Ramello, and the City Council for listening to the Berkshire resident's concerns. Alderman Fitzgerald stated that after reviewing all the reports that she is unsure if it is actually feasible or affordable to move forward with the purchase of the water system from Aqua. Alderman Fitzgerald noted that the ICC approved the rates and the sale and asked if other municipalities had experienced the same frustration with Aqua, which City Attorney Ramello answered that other municipalities have filed court petitions with the ICC and the Attorney General's Office, but the courts have continuously ruled in favor of the ICC.

Mayor Esposito shared that the City of Oakbrook Terrace will continue to explore other possible solutions upon the completion of the feasibility study by Christopher Burke Engineering. Mayor Esposito expressed that he is unsure how much more the city can really do since we do not own the infrastructure system and that the Village of Oak Brook did a great injustice to some of our residents with the sale of their water system.

Alderman Greco further stated that the City has wanted to connect our water system to the residents of Berkshire for many years but has been unable to acquire the specific properties due to the excessive financial costs involved in order to make this happen.

Mayor Esposito further explained that a comprehensive plan was initially started back in 2007, which included development of the specific property so Berkshire residents could have Oakbrook Terrace water access. Mayor Esposito further suggested with the new strategic and comprehensive plan in the works we could make the Aqua water issue one of the targeted goals for the City of Oakbrook Terrace, which would be truly beneficial for our residents.

VII. ACTION ITEMS/CONSENT AGENDA

1. Payment of City Bills: February 28, 2023, In the Amount Of \$102,281.21
2. Appointment Of Jason Sluzewicz To Serve As President Of The Police Pension Commission For A Term To Expire April 30, 2024

Motion to approve all items contained on the Consent Agenda as presented for February 28, 2023, was made by Alderman Beckwith and seconded by Alderman Rada. Roll call was taken.

Ayes: Barbari, Beckwith, Fitzgerald, Greco, Rada, and Vlach
Nays: None
Absent: None

Motion passed.

VIII. ITEMS REMOVED FROM THE CONSENT AGENDA

1. Draft Ordinance Increasing The Number Of Class “E” Liquor Licenses By One (1) Pursuant To The Provisions Of Title XI(Business Regulations); Chapter 111 (Food And Beverages); Subchapter *Alcoholic Liquor Control*, Section 111.012 (Number Of Licenses In Each License Classification), Of The Code Of Ordinances Of The City Of Oakbrook Terrace (Disho Corp. d/b/a Milli’s)

Motion to discuss agenda items contained on the Items Removed from The Consent Agenda was made by Alderwoman Fitzgerald and seconded by Alderman Beckwith.

Alderman Greco requested to discuss both agenda items simultaneously since they relate to one another. Mayor Esposito agreed.

2. Draft Ordinance Amending The Provisions Of Title XI (Business Regulations); Chapter 124 (Video Gaming); Subchapter 124.22 (Number Of Licenses) Of The Code Of Oakbrook Terrace To Increase The Maximum Number Of Video Gaming Location Licenses And The Maximum Number Of Video Gaming Terminal Licenses (Disho Corp. D/B/A Milli’s, 1S043 Summit Avenue)

Mayor Esposito stated that he wanted to have all City Council members present to provide their feedback on this agenda item, and to give each Council member a chance to visit the proposed sight and to ask further questions of Mr. and Mrs. Disho concerning the business license.

Alderman Greco expressed appreciation for the extra time to think about his response since he does not favor video gaming. He stated he welcomed the informed answers received from the family, and for the family being longtime business owners in the City of Oakbrook Terrace. Alderman Greco said he supports and votes to approve the liquor and video gaming license.

Alderwoman Fitzgerald asked about the second bathroom requirement, which Mayor Esposito stated that Community Development Director Headley was further researching that issue with the Illinois Plumbing Code and will be fully addressed during the building permit process.

Motion to approve Draft Ordinance Increasing The Number Of Class “E” Liquor Licenses By One (1) Pursuant To The Provisions Of Title XI (Business Regulations); Chapter 111 (Food And Beverages); Subchapter *Alcoholic Liquor Control*, Section 111.012 (Number Of Licenses In Each License Classification), Of The Code Of Ordinances Of The City Of Oakbrook Terrace (Disho Corp. d/b/a Milli’s) contained on the Items Removed From the Consent Agenda to the Consent Agenda at the following City Council meeting, was made by Alderman Vlach and seconded by Alderman Beckwith. Roll call was taken.

Ayes: Barbari, Beckwith, Fitzgerald, Greco, Rada, and Vlach
Nays: None
Absent: None

Motion passed.

3. **Motion to approve Draft Ordinance Amending The Provisions Of Title XI (Business Regulations); Chapter 124 (Video Gaming); Subchapter 124.22 (Number Of Licenses) Of The Code Of Oakbrook Terrace To Increase The Maximum Number Of Video Gaming Location Licenses And The Maximum Number Of Video Gaming Terminal Licenses (Disho Corp. D/B/A Milli’s, 1S043 Summit Avenue) contained on the Items Removed From the**

Consent Agenda to the Consent Agenda at the following City Council meeting, was made by Alderman Beckwith and seconded by Alderman Rada. Roll call was taken.

Ayes: Barbari, Beckwith, Fitzgerald, Greco, Rada, and Vlach
Nays: None
Absent: None

Motion passed.

RECESS TO THE COMMITTEE OF THE WHOLE

Motion to recess to the Committee of the Whole portion of the meeting was made by Alderman Rada and seconded by Alderman Greco. An acclamation vote was taken:

Ayes: Barbari, Beckwith, Fitzgerald, Greco, Rada, and Vlach
Nays: None
Absent: None

Motion passed.

IX. MAYOR ESPOSITO

1. Mayor Esposito reminded City Council of the upcoming budget meetings that will take place on March 8th and March 15th in Council Chambers starting at 6:00 pm.
2. Mayor Esposito honored Sandy DelPrincipe for her 33 years of service as Records Supervisor within the Oakbrook Terrace Police Department.
3. Mayor Esposito honored Walter Thalmann for his 39 years of service as a Maintenance Worker in the Streets Division of Public Services.

X. COMMITTEE OF THE WHOLE CONSIDERATIONS

1. Approval Of Spring Road Tributary Change Orders #2 and #3

Mayor Esposito asked the City Council to review the change orders provided by Public Services Director Ward. Mayor Esposito stated that proposed Change Order #2 is in the amount of \$35,000, and Change Order #3 is in the amount of \$10,027. Mayor Esposito reminded City Council that the original proposed Change Order #2, with a cost of \$117,000, was tabled for possible cost reduction discussions with Semper Fi. Mayor Esposito stated that the first change order included trimming and manually removing trees, whereas the new change order would involve removing trees mechanically.

Public Services Director Ward provided an overview of the overall project with City Council and further stated that Change Order #2 was an excellent concession to continue with the project. Christopher B. Burke Engineering (CBBEL) Representative Jedd Anderson was in attendance and provided clarification on Change Orders #2 and #3. Mr. Anderson stated that Change Order #3 included additional meeting costs for Semper Fi. Mr. Anderson also noted that the remaining 75 trees from Terrace View Park to Dorothy Drennon Park would be removed along with one (1) cottonwood tree.

Alderman Beckwith then asked about the contingency fund balance of the project and if that would be used for additional landscaping purposes, which Mr. Anderson stated that most of that funding is for landscaping for the property on Eisenhower Road. Public Services Director Ward also replied that an additional \$50,000 was budgeted for in the Capital Improvement Plan (CIP) for developing a landscape plan for that particular part of the project. Alderman Beckwith then thanked them for the information and their work on this project.

Alderwoman Fitzgerald commented on and stressed the importance of communication with City Council and the residents as this project moves forward. Mayor Esposito assured that there will be full and detailed communication with everyone regarding any further work to be done up until the completion of this project. Mr. Anderson also stated they will have Roberto Velazquez, or an appointed supervisor as the point of contact on-site and in the field during the next phase of the project.

Mayor Esposito expressed his thoughts for the residents who took the time to tag the additional trees that were to be saved. Public Services Director Ward and Mr. Anderson both stated they would walk the paths again and tag all the trees that are to be removed or to remain and will provide clarification of flags later. Mayor Esposito expressed his concerns with the number of trees that still needed to be removed and that he knows the project will look great in the end but wants to keep his commitment to the residents with this part of the project.

Alderman Rada questioned Change Order #3 and the additional charges for meetings. Mr. Anderson advised that Semper Fi did incur some additional costs with the unplanned meetings with staff, residents, and Town Hall meetings as addressed.

Mayor Esposito stated that if City Council concurs, the Approval of Change Order #2 and Change Order #3 for the Spring Road Tributary Restoration Project will be placed on the following Consent Agenda.

XI. COUNCIL MEMBER COMMENTS

Alderman Barbari thanked City Administrator Ritz for the open communications from him.

Alderman Greco congratulated Ms. Sandy DelPrincipe and Mr. Walter Thalmann on their retirement. Alderman Greco also asked if we could start to utilize the audio/video equipment for future presentations.

Alderman Beckwith congratulated the two retirees for their services to the city.

Alderman Rada discussed memberships between the DuPage Convention & Visitors Bureau (DCVB) and businesses within the City of Oakbrook Terrace. He explained that tourism around the area is vital and truly benefits our hotels. Alderman Rada expanded on the relationship with the DCVB and the how we profited with additional hotel sales tax revenues with the recent Video Gaming and Bowling Tournament events that took place in the area. Alderman Rada also thanked the residents of Berkshire for attending the City Council meeting and providing their input about the Aqua water issue.

XII. CITY ATTORNEY RAMELLO

None

XIII. CITY CLERK SHADLEY

None

XIV. CITY ADMINISTRATOR RITZ

City Administrator Ritz congratulated the retirees.

City Administrator Ritz thanked the Berkshire neighborhood for attending the City Council meeting. He also thanked Mayor Esposito, City Attorney Ramello, and Public Services Director Ward for their time and effort and commitment to the residents with the Aqua water issue. City Administrator Ritz agreed with Mayor Esposito that the Village of Oak Brook did a terrible disservice to the residents of Berkshire and is the primary problem behind Aqua water issue complaints.

XV. RECONVENE THE CITY COUNCIL MEETING

Motion to reconvene the City Council meeting was made by Alderman Rada and seconded by Alderman Beckwith. An acclamation vote was taken.

Ayes: Barbari, Beckwith, Fitzgerald, Greco, Rada, and Vlach
Nays: None
Absent: None

Motion passed.

XVI. OLD BUSINESS

None

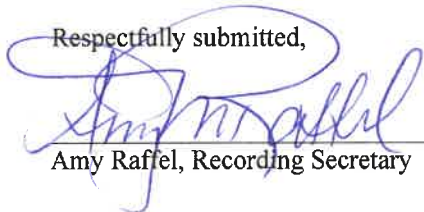
ADJOURN

Motion to adjourn was made by Alderwoman Fitzgerald and seconded by Alderman Barbari at 8:17 pm.

Acclamation vote made with all Ayes.

Motion carried unanimously.

Respectfully submitted,



Amy Raffel, Recording Secretary

Attested:



Michael Shadley
City Clerk

