



# Village of Downers Grove

## Meeting Minutes

### Downers Grove Village Council

Civic Center  
801 Burlington  
Downers Grove, IL 60515  
630-434-5500

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Tuesday, February 20, 2007

6:30 pm

Council Chambers

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#### Call to Order

*Mayor Brian Krajewski called the regular meeting of the Village Council of the Village of Downers Grove to order at 6:30 p.m. in the Council Chambers of the Downers Grove Village Hall.*

#### Pledge of Allegiance to the Flag

*Mayor Krajewski led those present in the Pledge of Allegiance to the Flag.*

## 2. Roll Call

Present: Commissioner Ron Sandack, Commissioner Stan Urban, Commissioner Marilyn Schnell, Commissioner Martin Tully, Commissioner William Waldack, Commissioner Sean P. Durkin and Mayor Brian Krajewski

Non Voting: Village Manager Cara Pavlicek, Village Attorney Enza Petrarca and Village Clerk April Holden

*The Council meeting is broadcast over the local FM radio station, WDGC. In addition, a tape recording and videotape of the meeting are being made using Village owned equipment. The videotape of the meeting will be used for later rebroadcast of the Council meeting over the Village cable television Channel 6.*

*The Council will follow the rules of conduct for this meeting as provided in Sec. 2.5 of the Downers Grove Municipal Code. These offer the public the opportunity to comment at several points in the meeting. First, immediately following approval of the minutes of the past meetings, an opportunity will be given for public comments and questions on the active agenda items for this evening's meeting. Following this, an opportunity is given for public comments and questions on any subject. Finally, if a public hearing is scheduled for this meeting, an opportunity is given for public comments and questions related to the subject of the hearing.*

*The presiding officer will ask, at the appropriate time, if there are any comments from the public. If anyone wishes to speak, the individual should raise their hand to be recognized and, after acknowledgment from the presiding officer, approach the microphone and state their name and address. Remarks should be limited to five minutes, and asked that individuals refrain from making repetitive statements.*

*Mayor Krajewski said there are agendas located on either side of the Council Chambers, and he invited the audience to pick up an agenda and follow the progress of the Council meeting.*

## 3. Minutes of Workshop and Council Meetings

*Council Meeting - February 6, 2007*

*Workshop Meeting - February 13, 2007*

*There being no additions or corrections to the minutes, Mayor Krajewski said they would be filed as submitted.*

#### Economic Development Corporation Quarterly Report

*Greg Bedalov, President of the Economic Development Corporation, said the EDC is providing their quarterly report centered on the benchmarks approved by the Board of Directors. He introduced Erin Doherty as Program Coordinator, and Cindy Klima, Manager of Marketing and*

*Tourism as new staff members of the EDC.*

*Mr. Bedalov identified the benchmarks as: 1) Sales Tax, 2) Commercial and Industrial liaisons, 3) Class A Office Building Occupancy Rates, 4) Hotel Tax Revenues, 5) Unemployment and Employment Data. He reviewed these benchmarks noting briefly that Sales Tax (not Home Rule Sales Tax) showed a 4.6% increase in 2006, versus a decrease for DuPage County. Regarding Commercial and Industrial Equalized Assessed Valuation, the figures for 2006 will be available in late April. Class A Office Building Occupancy rates continue to be very strong finishing 2006 at 88% occupancy. Vacancy percentage fell to 12%. Hotel Sales Tax revenues significantly increased in 2005 due to strong third and fourth quarter numbers. As to employment history, the information provided to the Council indicates the number of Downers Grove residents who are currently employed. He said he knows Council is interested in how many people work in Downers Grove and how that increases the daytime population. The numbers continue to grow from an employment standpoint. The EDC is attempting to identify the daytime population, but figures are sketchy at best. Their best information to date indicates an increase in daytime population of between 15,000-20,000 people, based on data obtained from citydata.com.*

*Mr. Bedalov said that the Board's next full Board meeting is March 1, at which time they will review changes in their by-laws, and the agreement between the EDC and the Village of Downers Grove. They will also review the Tourism plan.*

#### **4. Public Comments and Questions**

*The Mayor asked if, due to the cancellation of last week's meeting because of snow, the Council wanted to take General Comments first, and comments on the Active Agenda later. Everyone agreed with that.*

##### **A. Comments and Questions on Active Agenda**

*1. Charlie Smart, 4804 Main, said he was speaking on behalf of 1846 Blodgett House on the Move. He provided the history of the house which was built in 1846 at 831 Maple Avenue. It was moved prior to 1890 to the back of the lot at its current location. About 1925, the house was located at 812 Randall. In 2006, Chris Salman purchased the house with the intent of donating it, moving it and preserving it; and he would then develop the property. The house is one of the oldest homes in the Village and was an active station on the Underground Railroad system. He showed a slide presentation of documentation on the house, noting that there were hand-hewn black walnut logs in the basement of the building.*

*Mr. Smart said their vision is to move and preserve the structure, commemorate the 175th anniversary of the Village, and create within the structure an educational and cultural center that honors the legacy of the founding fathers of the Village. He showed an artist's rendering of what the house would look like. Mr. Smart said that the Park District staff is trying to determine where on Park District property the Blodgett house might be placed, and also investigating the feasibility of actually moving the house. They are also looking to determine what the appropriate renovation would be. He asked the Council to direct the staff to make this project a principal focus of the 175th anniversary celebration with activities and with funding. There are volunteers supporting this project from the community. He noted that they have a website at [www.1846Blodgetthouse.org](http://www.1846Blodgetthouse.org).*

*Commissioner Schnell asked whether the basement can be moved. Mr. Smart said he would not expect to move the block walls, but the rafters and joists would be moved.*

*Commissioner Sandack asked about the budgeting estimates, and Mr. Smith said they have received bids on moving the house and constructing a foundation. He said any costs noted are estimates. Commissioner Sandack then asked about the logistics of moving the structure, and have they considered overhead power lines, trees, etc. Mr. Smart said that there is a possibility*

*of having to move a few trees. They are working with the Park District now. He described what he thought would be the process of actually moving it. As for the renovation of the house, he said that is an unknown cost at this time.*

*2. Susan Estall, 5512 Main, noted to the Council that there are four overhead wires, one of which is a cable wire that would need to be accounted for.*

*Commissioner Sandack then asked about the status of grant funding. Mr. Smart said they are identifying mostly Landmark Commissions. As for the wires mentioned, he said that the backyard of the house adjoins the backyard of the Museum property. They would not be moving the house along Village streets.*

*Commissioner Sandack asked where the group is procedurally with the Park District. Mr. Smart said they met with the Park District last week, and Park District staff has been directed to determine the appropriateness of putting it on the Museum Campus. There are also other alternative locations for the house under consideration. He showed maps of possible locations on the Museum Campus.*

*Commissioner Sandack then asked about the timing of the project. Mr. Smart said that Mr. Salman would like to have the lot available in six months. They would like to have the move correspond with the Heritage Festival.*

*Commissioner Durkin asked if there were currently any tunnels connected to this home. Mr. Smart said there were none. He said they are unsure when the house was moved, but it was probably after the Civil War, so if there was any underground area, that may have been moved.*

*Ms. Estall said that there was some talk about connecting tunnels to the Lyman House, but there were no actual tunnels found.*

*Mayor Krajewski asked if there would be a plan to recreate it as a safe house and passageway. Mr. Smart said the educational aspect is a significant part of the project. They want to capture the cultural heritage of the home. He wants to work with historical architects to determine what the house may have contained at that time.*

*Commissioner Durkin asked whether they have thought of contacting the media regarding documentation of this, and Mr. Smart said they have discussed this and contacted some channels to perhaps get notoriety for tourism, as well as obtain some funding.*

*Ms. Estall said that there may be some interest through Channel 7.*

*Commissioner Urban asked where they think they stand with the Park District, and Mr. Smart said he thinks they see the significance of this project, as they want to enhance the museum experience. They need to be careful not to create a disadvantage to the Museum property. They approve of enhancing the property but they don't want it to turn into a negative experience.*

*Commissioner Urban asked who would have title to the building. Mr. Smart said there are two theories. It could be owned by the Park District, and managed by volunteers. The second possibility would be to create an endowment that would in perpetuity support it as a museum of sorts. They are working with the Park District to get funding for the annual operating costs.*

*Commissioner Urban said that the sooner they get the media involved, the better it would be. There may be someone who would want to sponsor this project.*

*Commissioner Tully said this is a fantastic opportunity and very exciting. He understands that the first and most critical step is to move the house, and that timing is urgent. He noted that this is probably the least expensive part of the project. Renovation will then require funding.*

*Long-term maintenance will require a partnership, in his view, to make this happen. Commissioner Tully said that having positive support for the project is important to its success. He said that this has State and National historical significance. It would be useful to have the potential tourism and educational component researched. Mr. Smart said that there is a significant trend toward tourism, particularly with the Underground Railroad, and the EDC is looking to quantify this.*

*Commissioner Tully asked whether this would be of interest to people out-of-state. Ms. Estall responded that what is critical is how the end piece is done. If it is vibrant and exciting for people, they will come. They could establish connections with Naperville Settlement and the Graue Mill, and other stops the Underground Railroad. She has also contacted the Morton Arboretum regarding the plant life at the time in history.*

*Commissioner Tully then addressed grant opportunities. In terms of the designation of the house, the Village is considering an architectural preservation ordinance, and if this is designated as a landmark site it could open up tax opportunities and grant possibilities. Ms. Estall said this project has remarkable potential as to numerous aspects of history. Mr. Smart noted that any designation supports the next designation. That demonstrates that documentation has been done.*

*Commissioner Waldack commented on the saving of the Lyman House. He asked how many more historical homes are there because he thinks the Village needs to identify these homes. He thinks there should be a community effort to identify those things of historical significance. He wished the group luck in their efforts.*

*The Mayor agreed that the Village should identify homes of historical significance. He thanked Mr. Smart for his presentation. He reiterated the two main aspects of the project, which would be the Park District allowing them to move the house to their site, and obtaining the money to accomplish the move. He thinks this is a great project to tie into the 175th anniversary, and it would be great to finish this up by Sunday of Heritage Festival as it is the 175th day of the 175th year.*

*Commissioner Schnell asked if they have any indication of a timetable from the Park District, and Mr. Smart said he had none. As for the Village timetable, he said it would be soon enough to do by Heritage Festival.*

*3. Gordon Goodman, 5834 Middaugh, said he is active in this organization. When they spoke with the Park District, the District was concerned with the integrity of the campus, and how much money would be needed. If the house is given to them, and they didn't have to pay for the move, they could prepare a budget for operating expenses and renovation. The Park District did not indicate that they had the financial wherewithal for the project, and it seems as though they need a financial partner. He believes the Village staff and the Park District staff need to discuss this in terms of the financial aspect.*

*Commissioner Tully said that the Park District asked for a pro forma of the maintenance and renovating costs.*

*The Mayor asked that Village staff work with the Park District staff in regard to moving the house. They would have to look at the budget and private partnerships. The Village's Grants Coordinator could also look at the possibilities.*

*4. Dr. Goodman said that there is information in the Council's packets on the Blodgett House. He then thanked the Council for wireless internet access in the Council Chambers. It's very helpful in following the Agenda. He then said that the hearing for the Historical Preservation Ordinance will take place at 7:00 p.m. on Thursday in the Village Chambers, and at 10:00 a.m. Saturday in the Council Chambers. The information can be found on the website, under the*

*Architectural Review Board's Agenda Item.*

*5. Ms. Estall responded that the Pierce Downer house might be another potential project. She said that she moved a house in five months and knows that this project could go quickly if properly planned. She then shared a story regarding the Potawatomie Chief Aptikisik who warned the Blodgetts about the impending Blackhawk War and guided them to Chicago.*

## **B. Comments and Questions on General Matters**

### **5. Public Hearings**

- MOT 00-02689** Motion: Waive One-Week Waiting Period to Consider Consent & Active Agenda Items
- Commissioner Tully clarified that, due to last week's meeting being cancelled, this request to waive the one-week waiting period is to provide the opportunity to discuss and vote on matters tonight.*
- A motion was made by Commissioner Tully, seconded by Commissioner Urban, to Approve this file. Mayor Krajewski declared the motion carried by the following vote:**
- Votes:** Yea: Commissioner Sandack, Commissioner Urban, Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin and Mayor Krajewski

### **6. Consent Agenda**

- COR 00-02672** A. Claim Ordinance: No. 5677, Payroll, February 2, 2007
- Sponsors:** Accounting
- A motion was made to Approve this file on the Consent Agenda.**
- Indexes:** N/A
- BIL 00-02673** B. List of Bills Payable: No. 5662, February 20, 2007
- Sponsors:** Accounting
- A motion was made to Approve this file on the Consent Agenda.**
- Indexes:** N/A
- MOT 00-02260** C. Motion: Discuss and Authorize Partial Waiver of Stormwater Review and Inspection Fee for the Lyman Woods Streambank Stabilization Phase II Project
- Sponsors:** Public Works
- Summary of Item:** This will waive fees in accordance with the Village County Policy for "fee Waivers" which allows complete waiver of the first \$5,000 and 70% waiver of the remaining fee amount. The total amount of the stormwater review and inspection fee for this project is \$26,623.00, of which \$20,136.10 is eligible for waiver by Council. Payment of all other applicable fees will still be required.
- A motion was made to Award this file on the Consent Agenda.**
- Indexes:** Lacey Creek, Park District, Lyman Woods
- BID 00-02675** D. Bid: Discuss and Authorize a Bid to Award \$301,810.84 for the Purchase of 14 Replacement Vehicles
- Sponsors:** Public Works

**Summary of Item:** Five (5) 2007 Ford Crown Victoria Police Interceptors and one (1) 2007 Ford Explorer from Joe Madden Ford of Downers Grove, Illinois in the amount of \$141,082  
Two (2) 2008 Ford Escape Hybrid utility vehicles from Bob Ridings Ford of Taylorville, Illinois in the amount of \$48,565  
Three (3) 2007 Chevrolet Impala E85 sedans from Miles Chevrolet of Decatur, Illinois in the amount of \$51,213  
Two (2) 2007 Honda Civic natural gas sedans from Volvo Sales and Service Center of Lisle, Illinois in the amount of \$40,802.84, and  
One (1) 2007 Chevrolet Silverado E85 pickup from Bill Jacobs Joliet LLC of Joliet, Illinois in the amount of \$20,148.

*Commissioner Durkin commented on Item D, Replacement Vehicles. He noted that the information states that the Honda Civics will get an additional four years life. He asked as to the plan to extend the life of vehicles by four years.*

*Dave Barber, Director, Public Works, said that these are natural gas vehicles which burn better fuels, present less problems, and extend the life of the vehicles.*

*In further response to Commissioner Durkin, the Manager said there is no police package for Hondas. Mr. Barber said natural gas does not provide the acceleration necessary for police vehicles.*

**A motion was made to Approve this file on the Consent Agenda.**

**Indexes:** Vehicle Purchases

**BID 00-02676** E. Bid: Discuss and Authorize a Bid to Award \$275,591 to Standard Equipment Company, Chicago, IL for the Purchase of a 2007 Vactor 2100 Combination Sewer Cleaner/Jet Truck

**Sponsors:** Public Works

*Commissioner Durkin asked how this purchase would meet the goal to increase the length of sewers cleaned and televised annually from 10 miles to 22 miles.*

*Mr. Barber said the Village currently does not own a sewer cleaning/jet truck to maintain the sewer system. They have to lease one. The Village should clean sewers once every five years and we are not close to doing that. This will improve the level of service.*

*Commissioner Durkin asked if this would eliminate or reduce the number of broken pipes.*

*Mr. Barber said it is a sewer vacuum truck and hydro excavator which provides the ability to suck the dirt out of the opening. This truck will provide for a cleaner operation.*

**A motion was made to Approve this file on the Consent Agenda.**

**Indexes:** Vehicle Purchases, Public Works - Equipment

**RES 00-02677** F. Resolution: Discuss and Authorize a Resolution regarding Construction on State Highways

**Sponsors:** Public Works

**Summary of Item:** A RESOLUTION BETWEEN THE VILLAGE OF DOWNERS GROVE AND IDOT CONCERNING CONSTRUCTION ON STATE HIGHWAYS

RESOLUTION 2007-17

**A motion was made to Pass this file on the Consent Agenda.**

**Indexes:** Illinois Department of Transportation, Roadway Improvements

**MOT 00-02688** G. Motion: Note Receipt of Minutes of Village Boards and Commissions

**Summary of Item:** Car Show Committee - 1/30/07

Events Subcommittee - 1/18/07

Human Services Commission - 11/1/06

Liquor Commission - 12/14/06

Parking & Traffic Commission - 12/13/06

**A motion was made to Award this file on the Consent Agenda.**

**Indexes:** N/A

### Passed The Consent Agenda

**A motion was made by Commissioner Tully, seconded by Commissioner Urban, that the consent agenda be passed. The motion carried by the following vote:**

**Votes:** Yea: Commissioner Sandack, Commissioner Urban, Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin and Mayor Krajewski

## 7. Active Agenda

**ORD 00-02678** A. Ordinance: Discuss and Authorize an Ordinance Making Certain Technical Amendments to the Village Code

**Sponsors:** Village Attorney

**Summary of Item:** This will make certain technical amendments to the Village Code.

AN ORDINANCE MAKING CERTAIN TECHNICAL AMENDMENTS TO THE VILLAGE CODE

ORDINANCE NO. 4852

**A motion was made by Commissioner Tully, seconded by Commissioner Urban, to Adopt this file. Mayor Krajewski declared the motion carried by the following vote:**

**Votes:** Yea: Commissioner Sandack, Commissioner Urban, Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin and Mayor Krajewski

**Indexes:** Technical Amendments

**RES 00-02679** B. Resolution: Discuss and Authorize a Resolution Authorizing an Agreement with the Downers Grove Rotary Club re: Heritage Festival Beer Garden

**Sponsors:** Community Events

**Summary of Item:** This will authorize an agreement between the Village of Downers Grove and the Downers Grove Rotary for the operation of the 2007 Heritage Festival Beer Garden.

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE DOWNERS GROVE ROTARY CLUB

RESOLUTION 2007-18

**A motion was made by Commissioner Urban, seconded by Commissioner Durkin, to Adopt this file. Mayor Krajewski declared the motion carried by the following vote:**

**Votes:** Yea: Commissioner Sandack, Commissioner Urban, Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin and Mayor Krajewski

**Indexes:** Heritage Festival 2007

**REP 00-02680****C. Report: Heritage Festival Layout and 175th Anniversary Update**

*Manager Pavlicek said that information has been provided to the Council, and it has been reviewed on an annual basis.*

*The Mayor asked about the Ferris wheel in conjunction to the tracks. The Manager said it would be ten feet to the north this year. The Mayor asked that the resident be notified of this.*

*Commissioner Sandack said that the Council could consider allocating some of the money from the Heritage Festival budget locally, rather than to a nationally known entertainer. He thought some portion of that could be allocated to the Blodgett House.*

*The Manager said that staff needs to provide more detailed information regarding the budget. She said that the Commission feels a national entertainer isn't a realistic option, and she doesn't want to misguide the Council as to the funds for Heritage Festival.*

*Commissioner Tully said that the Commission has been working to identify bands that are popularly known. Availability is a key issue. Some of the options considered did not work out, and he said it looks as though there will not be a big name entertainer. They are still working on a Thursday night concert. The Commission would like to maintain some flexibility. If funds are available to be allocated to Blodgett House, and an event comes up, it may come before the Council for funding.*

*Commissioner Durkin asked about the amount of money available. Commissioner Tully responded that an additional \$100,000 was budgeted and they need an update from staff on what is available.*

*Commissioner Durkin asked what the value of a big name entertainer is. He'd be willing to put money toward Blodgett House. He then asked about the plans for allowing people into and out of their homes for that week. The Manager responded that the plan takes into account access to residents. They may have an opportunity to commit funds for activities not originally envisioned.*

*The Mayor asked for a report from staff regarding the funding. He said that hotel taxes and the Water Commission may provide funds not originally discussed.*

*Commissioner Schnell said they need to give staff time to give the Council an accounting of Village monies. She agrees that it would be a good thing to contribute toward Blodgett House, but the Council needs to have a better accounting first as to the money involved.*

**A motion was made by Commissioner Urban, seconded by Commissioner Durkin, to Note Receipt Of this file. Mayor Krajewski declared the motion carried by the following vote:**

**Votes:** Yea: Commissioner Sandack, Commissioner Urban, Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin and Mayor Krajewski

**Indexes:** Heritage Festival 2007

**ORD 00-02681****D. Ordinance: Discuss and Authorize an Ordinance Designating Butterfield Square as Final Planned Development Number 44 with a Variation**

**Sponsors:** Community Development

**Summary of Item:** At their meeting of January 8, 2007, the Plan Commission recommended to designate Butterfield Square as Final Planned Development Number 44 with a variation.

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS TO DESIGNATE BUTTERFIELD SQUARE AS FINAL PLANNED DEVELOPMENT NUMBER 44 WITH A VARIATION



Senior Village Planner, Jeff O'Brien said that items 7D & E are related to the Butterfield Square Subdivision. He showed the site plan for the 1013-1015 Butterfield Road site, the buildings known as Homemaker's and Home Depot Expo. The petitioner is looking to subdivide their property in order to sell the Homemaker's Building. There would be a variation to recognize the parking that the owner has at this time. He said there are several advantages to going with the Planned Development. Staff believes this will allow the Village to have more control, and allows the petition to lease to general retail. Restaurants and medical buildings would not be allowed since they have a higher parking ratio than general retail.

Commissioner Schnell asked if someone wanted a higher use, could it happen. Mr. O'Brien said it could not under this agreement. There are 469 parking spaces under this plan. If more were needed, they would have to come back to the Plan Commission and Council to have that use.

Commissioner Sandack asked if staff has had other Planned Unit Development (PUD) requests without knowing the intent of the use. Mr. O'Brien said there was one in the Woodcreek PUD. The Village did not know the final use of their outlot. Also, Export Fitness outlot was approved last year. Commissioner Sandack asked staff's position about properties under an original or amended PUD where the intended use is unknown. Mr. O'Brien responded that typically the PUD takes on the underlying zoning, so the developer will have to conform to the uses allowed in the zoning districts. Staff's position is that as long as the Village has sufficient control with regard to the parking and the site in general it can be done.

Commissioner Sandack said that the appropriate use of a PUD gives the Council a certain amount of control and flexibility. He asked as to the position staff feels the Council should have with respect to the next step. He has some problem granting a PUD when they don't know what is intended. Mr. O'Brien said that the intended use is for retail. Unintended use would be for office use. He would recommend that the focus be on a particular group of uses and not general uses. Commissioner Sandack said it is not his intention to constrain a property owner to a potential use; however, the Council is being asked to provide, sight unseen, some opportunities. He said that they need language to condition this in a general sense to avoid any unintended use.

Commissioner Waldack asked about a common wall. Mr. O'Brien said they are two separate buildings. A common wall would be one building and these are two separate buildings.

Commissioner Waldack said he was concerned that they would be making the changes to make this property saleable, and once sold they would bring it back to the Council for some type of special use approval. Mr. O'Brien said they would only come back if a significant change is being recommended. Commissioner Waldack said he would like a provision for this to come back to the Council, saying he agrees with what is being done here.

Commissioner Schnell asked if he would have a problem limiting the use to general retail sales. Mr. O'Brien said staff would not oppose that but it should be better stated.

Aarti Kotak, of DLA Piper, 203 N. LaSalle, Chicago, and attorney for the petitioner, said that they would like to limit the uses to those provided under the Zoning Ordinance. The first step is to create the subdivision, and staff has recommended this step. She noted that a PUD will give the Council more control.

Commissioner Tully said that the proposal is for a PUD with a variation for parking, and there doesn't seem to be a problem with that. The question is with regard to the PUD and the fact that the Village doesn't know what they are going to put in that location. The land is vacant. The PUD gives the Council more control. A strict application of the standards is difficult in that the Village doesn't know what the use of the property will be, and Ms. Kotak responded that it is anticipated to be retail use. Commissioner Tully added that the current zoning is B-3. The Village encourages the petitioner to reduce the number of variations.

*Commissioner Durkin said that the question is the unknown use of the PUD, and he is not in favor of it the way it is now set up without more control.*

*Mayor Krajewski noted the Esplanade complex and the number of amendments to it.*

*Commissioner Schnell said that there is precedence in terms of what the Council wants. She can live with saying that they do not want an office building in that location.*

*Commissioner Tully said that the Council wants to have some element of control. This concerns the question of what might come. He asked if what is proposed now meets the criteria. He asked if any use they propose could be brought before the Council for review and approval. The Council needs to be able to apply standards to what may come there.*

*The Manager said that this was to facilitate economic development on this corner. The Council may wish to review this one more week or put restrictions regarding development conditions.*

*Rob Nadler, one of the owners of the property, wanted to clarify that there is no deception on their part. They've been marketing the space for two years. It's a two-level building, and the interest has been in the real estate, but not in leasing the building. Their desire at this point is to find an attractive user for the building. That is why they decided to subdivide the property. As for the prospect of having conditions applied to the PUD, he needs to think about this. They are working toward selling the building today to a retailer that he thinks the Village would be happy with, and for competition reasons they do not want to be public at this point in time.*

*The Manager said they could get the approval from the Council for the retail, and the one detail would be that if that failed and changed it to an office feature with a simple remodel, then they would have to come back for another PUD. Mr. Nadler asked for a moment to confer and the Mayor called for a short break.*

*The Manager said she spoke with the petitioner during the break. She suggested that the Council consider this further at the February 27 meeting, and that any public comments be taken at tonight's meeting to assure that there are no issues that need further discussion.*

*Commissioner Tully said it was unfortunate that they had to cancel last week, and he thanked the petitioner for their patience.*

**Indexes:** Subdivision - Butterfield Square, Planned Development #44-Butterfield Square

**RES 00-02682** E. Resolution: Discuss and Authorize a Resolution Approving the Final Plat of Subdivision for the Butterfield Square Subdivision

**Sponsors:** Community Development

**Summary of Item:** At their meeting of January 8, 2007, the Plan Commission recommended approval of the Final Plat of Subdivision for the Butterfield Square Subdivision.

A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR THE BUTTERFIELD SQUARE SUBDIVISION

**Indexes:** Subdivision - Butterfield Square, Planned Development #44-Butterfield Square

**RES 00-02683** F. Resolution: Discuss and Authorize a Resolution Authorizing Staff to Negotiate and Prepare a Redevelopment Agreement for the Property Located at the Southwest Corner of Ogden Avenue and Lee Street

**Sponsors:** Deputy Village Manager

**Summary of Item:** This will authorize staff to negotiate and prepare a redevelopment agreement for the property located at the southwest corner of Ogden Avenue and Lee Street.

A RESOLUTION AUTHORIZING STAFF TO NEGOTIATE AND PREPARE A REDEVELOPMENT AGREEMENT INCLUSIVE OF SPECIFIC KEY TERMS FOR THE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF OGDEN AVENUE & LEE STREET

*Village Deputy Manager Dave Fieldman said this item authorizes staff to negotiate a redevelopment agreement with key terms for the property at Ogden and Lee. The Strategic Plan has as a goal vibrant commercial corridors, and this property would fall under that category. The goal is to facilitate redevelopment of two sites per year along Ogden Avenue. As a financial incentive the pay-as-you-go concept functions as a sales tax or property tax rebate. Mr. Fieldman said the subject site consists of about 15.5 acres. It has several unique impediments, including environmental contamination, wetlands, floodplain, a sanitary sewer close by, and property comprised of multiple parcels. He noted that this property is commonly known as the junkyard site. Mr. Fieldman showed the subject site on the overhead. He said the site straddles the TIF District. The site has several large encumbrances on it making redevelopment difficult. A developer has approached the Village with a plan for 45,000 square feet of commercial space consisting of Aldi's, retail space, two restaurants, a bank with a drive-thru, and an outlot. The balance of the site would be for 78 townhomes. He said this would be a series of retail and commercial buildings along the Ogden Avenue frontage with two curb cuts, and the Aldi building behind that. The balance or portion that lies just outside of the TIF District would include 72 townhomes. Staff's approach to any redevelopment agreement would be to have the Village provide gap financing, assure that this project has a positive and mutual return for the Village, minimize the use of public funds, remediate the environmental contamination, and seek out high-quality buildings with sales tax producing users. Under the staff proposal, the developer would be obligated to develop the site with the plan showed earlier. They would also be required to complete the environmental remediation according to standards. They would have to adhere to a development schedule, post a \$1 million letter of credit, and lease spaces to sales tax producing tenants. Mr. Fieldman described the Village's role to include construction of a traffic signal at Lee Street, construct a sanitary sewer along Lacey Road, reimburse the developer for TIF eligible expenses in an amount not to exceed \$900,000 (which is budgeted in the FY 07 Ogden TIF fund), and to provide an additional pay-as-you-go incentive with an amount subject to the recommendation of the Village's TIF consultant. There would be two funding sources for repayment. Over time this would be 82% of the real estate tax increment created by the project, and 50% of the sales tax. Staff feels these two sources would be enough for a positive and mutual return to the Village.*

*Mr. Fieldman said that this request is to authorize staff to negotiate the redevelopment agreement. If this is not authorized, any work on the site will cease. If this is approved, then the redevelopment agreement would have to be reviewed, and approved by the Village Council following Workshop and Council meetings. The petitioner would then have to meet before the Plan Commission and the Village Council.*

*Mayor Krajewski asked about the TIF and School District agreement. The Village cannot pay money to schools out of TIF funds. It appears to be misleading in this regard and he does not like the language. Mr. Fieldman said that the Mayor was correct. He explained the concept and the funding sources. The Mayor said he understood what they are trying to accomplish.*

*Commissioner Sandack asked whether staff has an opinion from the EDC. Mr. Fieldman said that they have been in contact.*

*Greg Bedalov, president of the EDC, said that they have looked at this site briefly. Their major focus has been the automotive industry and automotive dealers have very strict radius requirements and cross-dealer agreements to which they must adhere. There has not been a lot of positive feedback from the auto market at this point and that has been the majority of their*

*focus. They have not weighed in on this proposal as yet.*

*Commissioner Sandack asked, given the challenges of this site, whether it is realistic to have a car dealership on this site. Mr. Bedalov hesitated to respond as there are new products coming to the area in the foreseeable future that they have not been able to explore.*

*Mr. Fieldman said that the petitioner has done significant work and have earnest money which would not be refundable. They want some reassurance that the money will be well-spent.*

*Commissioner Sandack said that he would like to get comments from the EDC as to the concept.,*

*Mr. Fieldman said that they have contracts on the majority of the pieces, and negotiations for the last part of the contracts. It has been difficult assembling so many parcels.*

*Commissioner Sandack said that this property has been vacant for obvious reasons, and the Village has the ability to do some creative planning with a good developer. He thinks to stop it at this point would be unduly premature, so he will support this.*

*Commissioner Schnell asked if there is a limit as to how much money the developer will get from the Village. She asked whether the Village would know the limits as to the number of years, and she asked as to the criteria. Mr. Fieldman responded that the Council establishes the limit, and the criteria is the gap. He said it is necessary to make sure this is gap financing only. The Council sets both types of limits. Also, because this is on a pay-as-you-go basis, the Village would rebate to them money according to the formula established, which is an amount equal to 82% of the real estate increment and 50% of the sales tax increment. Payments would stop at the end of the TIF district, which is 23 years. Commissioner Schnell then asked about the Council's responsibility, and whether they are considered part of the gap. Mr. Fieldman said they would be and the Council could choose. Commissioner Schnell asked where the funds would come from. Mr. Fieldman said the TIF and other funding sources would cover the expenses.*

*Commissioner Schnell then asked about stormwater detention and the plan to make the residents feel that their flooding problems will not be increased, and might be somewhat solved. She asked if the redevelopment agreement will state that the project will make the flooding problem better and not worse. Mr. Fieldman said it would be written in the redevelopment agreement, and will be part of the zoning. More development for the area would mean better stormwater management.*

*The Mayor said this is one of the largest parcels on Ogden Avenue, and they want to be sure that it is done correctly. It has been a problem area for many years. He indicated that four years ago he asked that this site be looked at by the EDC. It is an expensive project due to having to acquire multiple parcels. He doesn't want to see the negotiations go forward and then have the Council deny this. He discussed the gap financing and asked that the consultant present information to the Council. He does not want to see the Council surprised by the amount of gap funding that could be required. He wants everyone to be aware of the funding.*

*Mr. Fieldman said that between staff and the developer, he expects a package somewhere in the amount of \$6-7 million. The worst case scenario is a break even deal. He wants the TIF consultant to review it.*

*Commissioner Urban said that Aldi will generate sales tax, but asked whether they will cannibalize what is already on Ogden Avenue in regard to retail food service. There are existing food service stores which have invested a great deal of money already in that same area. He asked if there is any idea as to the market value of the townhomes. Mr. Fieldman responded that the pricing would be around \$525,000. Commissioner Urban said he wants to discourage a bank on this property. He is not happy with drive-through restaurants. He is, however, in favor*

*of full-service restaurants. He knows that they need to move forward on this, and not send a bad message to developers.*

*Commissioner Tully said that they are discussing a concept right now. The question is whether the Council is okay with pursuing this concept. It is difficult to say no. The Ogden Avenue Master Plan calls for this parcel to be developed, which would make it a performing property, remediate the contamination, and potentially correct the stormwater issue. This is an opportunity to correct the problem issues of the site. He noted that this has been a vacant property going back as long as he can remember. He would like something more financially positive for the site, but this is not a situation where they would have to go digging into the public coffers to pay for it. In the long-term, with this proposal it would become a performing property. He said that it is difficult to say no.*

*The Mayor asked how many townhomes are in the TIF area, and how many are out of it. Mr. Fieldman said that potentially 30 will be within the TIF, and 48 will lie outside of it.*

*Commissioner Durkin asked regarding the 50% sales tax rebate, whether the Village will determine the true cost associated with this. He said Mr. Fieldman mentioned the figure of \$7-8 million dollars. Mr. Fieldman said it appears that the gap is \$6-7 million and he assumes that number will go down after the TIF consultant reviews it. The concept is that the principal amount of the developer note would be determined by the Council based on the TIF consultant telling the gap figure. He said that staff feels that the formula on the term sheet is what will get the Village to the gap funding amount.*

*Mayor Krajewski said that if the Village gives them less than the gap, then the deal is probably dead. The Manager added that the Village takes the costs of traffic signalization, sanitary sewers, etc., off the top.*

*Commissioner Durkin inquired as to the cost of the townhomes, and Deputy Fieldman said they would be high-quality buildings. Commissioner Durkin added that \$550,000 homes is not attainable housing. It appears though, he said, that the only way to make it work is going in this direction, rather than having it sit vacant another 15 years with all of the environmental issues. He pointed out that it is conceptual, but he would support it.*

*The Mayor suggested looking at just the Aldi site, without all the other land. Mr. Fieldman said they looked at that issue and found that the cost of addressing the impediments is related to the Aldi site.*

*Commissioner Schnell asked for clarification as to whether the Council is approving the worst-case scenario. Mr. Fieldman said that was correct. The vote would be that work would continue, and if they stay within the parameters of the key terms, they could expect a year vote on the redevelopment agreement. If the Council votes yes on this, the development community would expect approval of the agreement if it is within the key terms. But this does not obligate this Council or future Councils.*

*The Mayor said that he has grave concerns if this were to come out neutral with the Village giving them \$6-7 million.*

*Commissioner Durkin asked about the timetable, and Mr. Fieldman said that the TIF has a limited life of 15 or 18 years. As to how long it would take to get the gap figure, Mr. Fieldman further responded that it takes 60 days to do a complete analysis. The developer doesn't want to take time to work with the consultant if there is no interest in the project. Manager Pavlicek said that the developer is proposing what they think they need to make this project work.*

*The Mayor noted that a large sales tax generator allows for more flexibility.*

Commissioner Schnell asked if the Council voted on this issue next week whether it causes a time-sensitive issue. Mr. Fieldman said it would be acceptable. Commissioner Schnell added that she would be more comfortable waiting a week for the vote.

Commissioner Waldack noted that there are a few numbers in the key terms agreement such as the \$1 million letter of credit, and further noted that this shall not exceed \$5,425,000. Mr. Fieldman explained the preliminary calculations had a financial gap at \$7 million. When adding the costs of the requested sewer, traffic signalization, the \$900,000 up front plus the principal note amount, that equals the \$7 million.

Commissioner Sandack has no problem with the initial concept or waiting another week to approve this. He thinks it is instructive to take a step back. This has to be placed in the right perspective. This parcel is not being put to use. They have a developer and will get the Village's consultant involved so the Council has some semblance of objective proof that this is viable. He wants to make sure the Village doesn't get in the real estate business, but let the market tell them what the Council, as stewards of financial resources, should be utilizing to get this parcel on the tax roles. He pointed out these are reimbursable costs.

1. John Schofield, 1125 Jefferson Avenue, said it looks to him that there are three kinds of land including unusable land-wetlands, the Ogden Avenue TIF land, and the significant amount of land dedicated to residential development. He asked what the breakdown is of the current underlying zoning related to these lands. Mr. Fieldman said that the frontage is in B-3 commercial use. The balance is single-family R-1 zoning. Mr. Schofield said that there is a whole process involving taking R-1 land and putting it into a different zoning class as part of a PUD. It seems to him that absent any of the public notice and hearing processes associated with that rezoning, it is premature to be talking about that rezoning without making it clear to the public that this is being discussed. He hopes that this will get more public attention before this is approved.

Manager Pavlicek said the item on the agenda is a resolution, and this can be placed on the next meeting's agenda.

**Indexes:** Redevelopment Agreement - Ogden & Lee

**ORD 00-02684**

G. Ordinance: Discuss and Authorize an Ordinance Establishing a Special Service Area in the Village and Provide for a Public Hearing

**Sponsors:** Public Works

**Summary of Item:** This proposes to establish Special Service Area #4 to provide for the repayment to the Village by homeowner contributions for a brick street reconstruction project.

AN ORDINANCE PROPOSING THE ESTABLISHMENT OF A SPECIAL SERVICE AREA IN THE VILLAGE AND PROVIDING FOR A PUBLIC HEARING AND OTHER PROCEDURES IN CONNECTION THEREWITH

The Manager said that this item, as part of the 2007 budget for capital projects, included restoration of the brick streets in a specific area. Staff proceeded on this assuming they should follow the methodology of the 1990 SSA. If the Council follows the existing methodology they would have a 60-day waiting period.

The Mayor said it appears that they took the total cost of the project in that area, and the residents paid about 18% of the cost. If they just removed the bricks it would be less. He said they should look at the cost of brick streets versus asphalt. They need to refine the true cost of the brick versus asphalt.

Commissioner Schnell said she is concerned that the residents do not feel that their costs are what others were asked to pay. She asked for clarification that the cost of brick streets is

\$372,000. Public Works Director Dave Barber said that is correct. Commissioner Schnell asked if they took into account the removal of the asphalt, and Mr. Barber said that in this particular case, they would be rebuilding the street. Brick is actually taken out by hand which is a completely different operation than replacing asphalt streets. The brick has to be saved and protected, and they have to buy the brick to replace what must be replaced. Based on the engineer's plans for that same cross-section of roadway, replacing the asphalt would be a difference of \$373,000. He indicated that the ordinance for the SSA was based on the old methodology. The Mayor said that the other formula gave credit for the maintenance over the next fifty years. Mr. Barber said he tried to verify whether the old formula made sense, and it does come out the same whether the credits are given or not. The reality is that the Village does not do so much maintenance on those streets.

Commissioner Sandack said he was inclined a few weeks ago to try and slow this down because he wasn't sure they should be spending money since the roads are typically paid for by the Village. He said he is not sure this is only used by residents who live on those streets. He thinks there are intangible benefits to the brick streets, and they have a traffic calming component to it. In addition, if it is done correctly, it will last much longer. He also thinks this should be taken off the SSA roles. This is a public amenity and a public improvement. He would like to look at how to pay for this collectively.

Commissioner Durkin asked about the other SSA areas, and Commission Sandack said that they have to look at this as a learning experience. They cannot change what happened in 1990. Instead they should change the formula since it was incorrect.

The Manager requested the opportunity for staff to address the future impact if the Village takes this direction.

Commissioner Schnell asked whether there are other brick streets that meet the criteria and those residents would come to the Village requesting brick streets. Mr. Barber said that the brick streets are all in this neighborhood, and many of them have been covered over with asphalt. Most of the streets with brick underlaying have damaged bricks. It would be helpful to get guidance from the Council as to streets that will be brick. The number of brick streets is very limited. There has been interest from neighbors on Forest Avenue to return to the brick streets, and that has been covered with a thin layer of asphalt.

Commissioner Schnell said that she needs a clear understand of what we are getting into.

Commissioner Urban said he would like to see an inventory of the brick streets, and then asked about the maintenance of those streets. Mr. Barber said that there are issues to consider, such as they get wet and slippery, can become a safety hazard, they make noise, etc. If they are built correctly, brick streets will last. They need a strong underlayment of stone or asphalt, and not sand. Life expectancy can go to 100 years. He said it may need to be re-laid once in a while, and does not effect snowplowing as long as they don't undulate. Commissioner Urban said that in the long-term they may cost the Village less. He is leaning toward thinking that a road is a road, and that they should replace it with brick at no cost to the residents.

Commissioner Tully said that the concept of an SSA is that it is for something above and beyond that for which the Village would normally pay. He said they should step back and think about the consequences carefully. He noted that there are other SSAs that have not been considered. There are also streets in town where people would like other work done. He discussed installation of sidewalks as an example, or curb and gutter, or eliminating blind hills, which are over and above what would normally be done. He said if the Village changes the benchmark of what it normally does it is a huge impact for the Village budget. He said they have to be careful about improving beauty issues rather than safety and stormwater issues. He cautioned the Council to be careful in making such sweeping changes, as this represents a wholesale change in how the Village does its business. Commissioner Tully said that if the Village continues with

*what has been done, it is the incremental cost of the brick less the maintenance. If the cost is too much it is a voluntary movement and would not move forward. He said that the financial consequences have not been thought out.*

*Mayor Krajewski said that the first SSA was created for an historical district. They need to figure out the cost of maintenance in terms of present value numbers.*

*Commissioner Urban said they must examine all issues. If over 50 years, they have nominal expenses, this might be worth it. They may have requests from everyone for special projects, and he is there to listen to individual concerns. That's why he was elected.*

*Commissioner Waldack said that they need to do some recalculations. He thought this would be done as an SSA, and they must consider what's waiting if they do not do this as an SSA. This was originally done for historical purposes. The houses surrounding the streets were also of historical importance, and he wondered how many of the 22 homes were still there. Not doing this as an SSA may have an impact as well. He noted Clyde Estates is waiting for SSA approval. He is not sure how the neighbors feel about this. Some neighbors did not like the calculations, but wanted the brick streets. The Village hasn't gone out for a bid on this issue, so the true costs are not known. He agreed that they have to be very careful on what is decided.*

*Mayor Krajewski asked that someone go down Oakwood and see what the situation is. The Manager said that it is not in the boundaries of the SSA.*

*Commissioner Schnell asked staff to also provide what effect the residents' share would have on the capital projects, and what would not be done.*

*1. Linda Clevenger, 1016 Chicago, came originally to plead their cases in regard to brick streets, although she does not live on a brick street. After listening to the discussion she is beginning to change her views and commended the Council for their work in trying to find the best answers.*

*2. Scott Jacaway, 4828 Oakwood, said he had delivered the petition from the people on Oakwood last week, and wondered whether that was made part of the record. The Manager said that the state does not allow state law to recognize a petition in advance of adopting an ordinance. Mr. Jacaway said he wanted to submit the petition in advance of the vote. In regard to Commissioner Waldack's comments, Mr. Jacaway said there have been no teardowns on Oakwood, but there has been one remodel, and two vacant houses. He then said he appreciated the comments of both Commissioner Tully and Commissioner Urban. In regard to alternative methods for determine costs, he said the residents attended a Power Point presentation in October regarding how costs were determined. He said much of what was said didn't make sense. He reviewed information provided at that October meeting regarding credits for deferred maintenance. Since the streets were done in 1982, there has been no significant maintenance costs to his knowledge. Figures credited to the Oakwood residents also make no sense, and the residents think the accounting methods are questionable. On February 12 the meeting had a slide presentation with showed alternate calculations to determine homeowner costs. Mr. Barber provided the presentation. He said the deferred maintenance figures are missing. Mr. Jacaway said he thinks that, with respect to the numbers staff provided, the neighbors would like the 25-year savings of \$136,000 to be doubled, which would decrease the homeowners costs. They would like the Council to adopt alternative numbers.*

*The Mayor noted that he is wrestling with the numbers for the savings.*

*The Manager said she will bring back figures for the March 6 or 13 meeting. She said they can enact the SSA based on the 1990 methodology and they will respond to the questions on cost savings. In addition they will provide the effect of abandoning the SSA.*



*Commissioner Tully said that he needs to see solid numbers on the savings.*

*The Mayor recommending proceeding with the bid letting process.*

**Indexes:** Special Service Area 4 - Brick Street Improvements

**ORD 00-02638**

H. Ordinance: Discuss and Authorize an Ordinance Vacating a Certain Portion of a Public Alley North of 4714 Douglas Road

**Sponsors:** Community Development

**Summary of Item:** This will vacate a fourteen (14) foot portion of a public alley located north of 4714 Douglas Road.

AN ORDINANCE VACATING A CERTAIN PORTION OF A PUBLIC ALLEY NORTH OF 4714 DOUGLAS ROAD IN THE VILLAGE OF DOWNERS GROVE

*Jeff O'Brien, Senior Village Planner, said he would cover Items H and I together. The request is to vacate two 14 foot alleys. Staff has recommended easements over the entire width of the alleys, with payment for the land based on the EAV of the adjacent property. The petitioner at the January 9 Workshop brought up the concerns for a reduction of the easements, and no payment for the land. There was also concern about the ability to construct a new driveway in the alley. Staff has reviewed the Village Code and it requires that if someone wishes to construct a drive in the alley it must be done to the Council specifications and meet stormwater ordinance requirements. He then gave background on the alleys which were dedicated in 1889 at no charge to the Village. It is currently being used for open space, overhead utilities and driveways. The utility companies have requested that the Village maintain easements over the entirety of the alley for 4714 Douglas and the alley between Austin and Franklin. Regarding the impact on the property, the alley could be counted as a setback and would increase the area of the buildable lot. He concluded that staff's recommendation is to approve the vacation with a fee.*

*Commissioner Sandack said he was of the impression that the property owner has no intention of changing his property if he is granted the alley with a nominal fee. He asked if there has been any discussion about taking a note regarding deferral or recording a lien. He doesn't want a hardship on the resident, but doesn't want to ignore past policy. If they chose to stay with the policy he would suggest a lien.*

*Commissioner Schnell said she thinks they need to review the policy. The majority of alleys given away were to existing owners. She believes if they charge, they charge \$1.00. The Council needs to discuss what it wants to accomplish. The property owners have maintained the property and as such have already paid for it. She thinks \$1.00 is sufficient.*

*The Mayor agreed that the policy must be reviewed. The Council, according to the policy, shall determine whether the parcel is no longer necessary and whether the public interest would be served if vacation is granted. He thinks that has been determined. Also the policy said that the Council shall determine the amount and type of compensation, if any - he noted it says "if any" and the Council is free to not charge anything. He agreed that you can look at the requirement differently when an individual has maintained an alley than when they are using it to increase the lot size to build a bigger house. He doesn't like \$1.00 but in this particular situation it might be fine.*

*Commissioner Urban asked that an inventory of the alleys be provided. Mr. O'Brien then described the existing alleys in the Village, most of which are between Douglas and Fairview, north of Rogers and south of Chicago. There are some abutting the Ogden Avenue corridor as well north and south of commercial property. Commissioner Urban asked what effect the lien would have on the property. Village Attorney Enza Petrarca said that if it is recorded against the property, it is a valid lien. Commissioner Urban then said that the vacation would effect the*

footprint of the property and increase the taxes. He would charge \$1.00 but would prefer nothing.

The Mayor said that what he is looking at appears to be the sixth version of the policy and asked for earlier versions.

Commissioner Tully said that this is not limited to alleys, but includes the right-of-way. The policy says there are steps by which the Council determines the value of the property. He noted that this is a public asset, which is being overlooked. The policy was to come up with a fair amount of compensation to be given to the community for the property. He thinks there should be some compensation and it should be fair compensation. He said it is undisputable that adding 14 feet to property will add more value to the property than \$2,493. He feels it is bad policy and practice to give this to the petition for \$1.00. He doesn't think it is unreasonable to require compensation of \$2,493 for the property adjacent to 4719 Douglas Road. He has no problem with creative financing because he wants to be sure the public receives value for their tax dollars. In the discussion with affordable housing, he reminded the Council that one of the points brought up was the sale of city rights-of-way in establishing community land trusts. He does not agree that putting a parcel back on the tax roles pays for the parcel, and he would like to come up with a fair basis and fair payment process. He thinks putting the property back on the tax rolls will not pay for the fair market value of the land. He would agree to \$2,400 for the 4714 Douglas property, and \$5,100 is fair for the Austin/Franklin property for the four petitioners. The Village should not give away public assets, and they need to be better stewards of the public assets. He is in favor of staff's recommendation.

The Mayor asked whether the Village maintains those alleys and Mr. O'Brien said it does not. He asked how they determine which will be maintained and which will not be maintained. The Manager said in this case, the alley was not utilized for public access and over time the residents provided a greater level of maintenance, with the Village coming in on an infrequent basis.

Commissioner Waldack said he knew that when he mentioned the \$1.00 it would come back. He proposed the \$1.00 to make it a sale, because it was in the Village's best interests to get rid of the property. That property had already been developed and it was unlikely that the resident would turn around and make any additional profit to enlarge the house. The situation on these two vacations is different. There is the possibility that at some point the owners could sell the property with an increased property value. He thinks staff's recommendation is a fair price for both sites, and Commissioner Sandack's idea for a lien would also be fair. He thinks it should be a sale and that the price is fair. He would support the vacation of the property at the prices noted.

Commissioner Sandack said that putting the parcel on the tax roles is not a compelling argument. Regarding the maintenance of the site, most everyone has parkway land that they maintain and treat it as though it is their property, although it is property of the Village. He believes staff has done the responsible thing in following the policy. The Village is giving away land for very little money, and is giving away assets. If they deviate from the policy they are taking the easy route.

Commissioner Urban asked as to the effect of the lien if the property owner wants to refinance. Commissioner Sandack said this would provide no hardship encumbrance on the property given the small amount and that it is on the right-of-way.

Commissioner Urban asked whether they would have to settle the lien before selling their property. The Manager said they have to declare the lien before they sell the property.

1. Roger Penninger, 4714 Douglas, said he appreciated all the work the Council and staff have done on this. He is not a public speaker, but in his eyes the Council noted that a mistake had been made on the property next door to him. Mr. Penninger said it was not a mistake, it was

*favoritism. He didn't know that the Village only received \$31 on the tax roll. He sees the Council ready to take \$100,000 to pay some celebrity to sing at Heritage Festival, and he would rather see them take the \$100,00 and give it to others. He likes the small town atmosphere, and asked the Council to make a decision. He also likes the lien idea.*

*2. Bill Wrobel, 7800 Queens Court, said he has followed this issue and applauded Commissioners Sandack and Tully because they wanted to stay within the Code on the property on Chicago Avenue; however, the Council members who wanted to sell the property for \$1.00 recognized that there had been confusion involved with that site. Perhaps the owner was opportunistic not to address the issue when he bought the house. He sees the proposed lien as a great idea. He feels that the citizens deserve a break.*

*3. Michael McCann, 442 Austin, said that everyone likes the lien idea, but the homeowner eventually pays for the site. This idea presumes that they have a willing buyer. Right now what he has is the use of his driveway for which they haven't paid taxes or \$5,000 to the Village. Now, the Village is proposing to let them use their driveway, charge them \$5,000, allow them to pay taxes on it but not do anything to the property. Mr. McCann said it would make no sense for him to accept this proposal. He uses the property already without paying for it. Commissioner Sandack interjected that this is not an issue of use, but an issue of ownership, of having title of the property, which is the distinction. Mr. McCann doesn't know the circumstances of the previous property that was sold for \$1.00. He believes since the property has served as a driveway for 60-80 years, the owner has maintained it, and should be considered the beneficial owner already, which is different from someone who intends to subdivide the land and will profit from the vacation. He said that whether this property is put on the tax roles now, if he doesn't get title to it, no one else will either. That would be the fate of every other alley where these situations exist. The benefit of transferring the title for a \$1.00 may not seem a great benefit, but he sees no benefit in the Village making a proposal for the landowners to pay for the property. He will continue to keep the situation as it is at this time. Regarding the strong policy that exists in the ordinance, the ordinance clearly gives the Council the discretion to not charge for the property by virtue of the terms "if at all."*

*4. Sheila McClone, 445 Austin, has an alley that abuts her property and will be before the Council as well. She said that as she is listening she hears a lot about policy. The policy clearly says "if any." They are not asking for the Council to violate the policy. They have lived there for six years, have mowed and shoveled the driveway, and the Village has never maintained it in all that time. She called the Village in 2003 because of the eyesore of gravel and mud and the Village responded that they will not do anything to maintain that area. She noted Commissioner Tully's reference to stewardship, and said that, for the six years she has been a resident in the Village, the Village has not maintained their part of the bargain. If the property belongs to the Village, the Village should maintain it. Her driveway is 143' long, 14' wide that she doesn't own, no one uses but her, and no one has any uses for it but her. The woman who owned the house before her also maintained it. Ms. McClone said that therefore, the Village is not doing its job. If they refuse to maintain it, then give the residents the opportunity to maintain it properly. She'll give them \$2.00.*

*Commissioner Tully said that the lien is not on the home, but on the additional parcel of 14 x 50'. He said that maintaining the right-of-way does not give them ownership of the parcel.*

*The Manager said that alleys not in the public use create a unique challenge.*

*Commissioner Urban asked about the lien and titles. Village Attorney Petrarca said that she would have to explore the options of whether they have two titles if they choose to buy the property. Commissioner Urban said he is inquiring as to whether, if they were to sell their house without the 14 foot portion, the lien could remain on that parcel indefinitely.*

*The Manager said that she would like to have some clarification from the Council as to its*

*intent. The Council consensus was to move on the issue and not extend it to next week. The Mayor called for a Motion.*

*Commissioner Schnell moved to adopt an ordinance vacating a certain portion of a public alleyway north of 4714 Douglas Road in the Village of Downers Grove for \$1.00 (one dollar) as presented. Commissioner Urban seconded the Motion.*

*AYES: Commissioners Schnell, Urban, Mayor Krajewski*

*NAYS: Commissioners Durkin, Waldack, Sandack, Tully*

*The Motion failed 3:4.*

*Commissioner Tully moved to adopt an ordinance vacating a certain portion of a public alleyway north of 4814 Douglas Road in the Village of Downers Grove as presented. Commissioner Sandack seconded the Motion.*

*AYES: Commissioners Tully, Sandack, Durkin, Waldack*

*NAYS: Commissioners Urban, Schnell and Mayor Krajewski*

*There was discussion regarding the need for a super-majority in order for this motion to pass.*

*The Motion failed for lack of a super-majority.*

*The Manager said that staff would communicate with both residents as to whether there is a period for them to re-request the vacation. At this time there was no Motion to review the vacation at all.*

*Commissioner Tully said in light of what just happened he did not think making the next Motion was in the interest of the petitioners.*

*During the Council Member Reports and New Business section of the meeting, Commissioner Sandack said he intended to introduce a Motion to reconsider the item at 4714 Douglas, and ask for a second, and then he will make a Motion to table this to a date uncertain so this resident has the same opportunities to withdraw and/or deal with staff as the residents living behind him. For clarification he was on the majority side.*

*Commissioner Sandack then moved to reconsider the Motion to adopt an ordinance vacating a certain portion of a public alley north of 4714 Douglas in the Village of Downers Grove as presented. Commissioner Waldack seconded the Motion.*

*Commissioner Tully asked if this will change the filing fee charge. The Manager said it will not, but the resident might still consider accepting the lien proposal. It gives them the opportunity to explain the choices to the resident.*

*AYES: Commissioners Sandack, Waldack, Durkin, Urban, Tully, Schnell, Mayor Krajewski*

*NAYS: None*

*The Motion passed.*

*Commissioner Sandack moved to table to a date uncertain the matter related to 4714 Douglas Road with respect to vacating portions of the property adjacent thereto. Commissioner Tully seconded the Motion.*

*AYES: Commissioners Sandack, Tully, Durbin, Waldack, Urban, Schnell, Mayor Krajewski*

*NAYS: None*

*The Motion carried.*

A motion was made by Commissioner Sandack, seconded by Commissioner Tully, to Table Indefinitely this file. Mayor Krajewski declared the motion carried by the following vote:

**Votes:** Yea: Commissioner Sandack, Commissioner Urban, Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin and Mayor Krajewski

**Indexes:** Vacation - Alley, Vacation - 4714 Douglas Road

**ORD 00-02639** I. Ordinance: Discuss and Authorize an Ordinance Vacating a Certain Portion of a Public Alley West of 442 Austin Street and 445 Franklin Street

**Sponsors:** Community Development

**Summary of Item:** This will vacate a fourteen (14) foot portion of a public alley located west of 442 Austin Street and 445 Franklin Street.

AN ORDINANCE VACATING A CERTAIN PORTION OF A PUBLIC ALLEY WEST OF 442 AUSTIN STREET AND 445 FRANKLIN STREET IN THE VILLAGE OF DOWNERS GROVE

A motion was made by Commissioner Sandack, seconded by Commissioner Tully, to Table Indefinitely this file. Mayor Krajewski declared the motion carried by the following vote:

**Votes:** Yea: Commissioner Sandack, Commissioner Urban, Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin and Mayor Krajewski

**Indexes:** Vacation, Vacation - Alley, Vacation - Austin & Franklin

**MOT 00-02687** J. Motion: Discuss and Approve the Scope of the 2007 Roadway Improvement Program

**Sponsors:** Public Works

**Summary of Item:** This will approve the scope of the 2007 Roadway Improvement Program and permit the preparation of bid and contract documents and proceed with advertising for bids. The scope of this motion includes crack sealing, preventative sealing and asphalt overlay estimated at \$2,159,800.00.

*Following the vote, Mr. Barber advised the Council that staff will prepare a Motor Fuel Tax (MFT) resolution. The Manager said staff will provide background information in the future.*

A motion was made by Commissioner Urban, seconded by Commissioner Durkin, to Approve this file. Mayor Krajewski declared the motion carried by the following vote:

**Votes:** Yea: Commissioner Sandack, Commissioner Urban, Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin and Mayor Krajewski

**Indexes:** Roadway Improvements

## 8. Mayor's Report

### Materials to be Received

### Materials to be Placed on File

*White Hen Pantry, Inc. - 402 75th Street, Downers Grove, IL*

*The Mayor said the Village received a liquor license application from the White Hen Pantry at 402 75th Street, and he is placing the application on file with the Village Clerk's office. This is going from franchise to corporate.*

## 9. Manager's Report

## 10. Attorney's Report

## Future Active Agenda

### 11. Council Member Reports and New Business

*Reports from National League of Cities Conference*

*Due to the late hour, no reports were presented.*

*Commissioner Schnell thanked Mary Scalzetti for putting on a great Ice Carving Festival, noting that she and her staff did an exemplary job. The comments she heard were all positive, and the carvers had great comments.*

*The Mayor said the Village received a decorative plat from the National Carving Association and asked the Manager to present it. He agreed with Commissioner Schnell that Mary Scalzetti, Public Works and the whole staff did an excellent job.*

*Commissioner Durkin agreed with the comments on the Ice Festival.*

*Commissioner Urban said he would like to see a Public Safety meeting scheduled with the Fire Department.*

*Commissioner Tully said that the Village's Standard and Poor's bond rating was upgraded from AA to AA+. This is a reflection of solid management of finances of the Village. This can translate into lowered borrowing costs.*

*Commissioner Tully then congratulated Community Events and Mary Scalzetti for a phenomenal Ice Festival from the fireworks, to the more than promised number of carvers, and the amazing art work presented at this competition. He noted that there was good press coverage of this as well.*

*Commissioner Tully congratulated the Downers Grove Junior Woman's Club for another successful Taste of the Town fundraiser. He then asked about the direction for Blodgett House, and the Ordinance for Historical Preservation. The Manager said that it could be Workshopped as early as March 13.*

*Commissioner Tully referred to the Heritage Festival layout, noting that there is a change based on a Community Events recommendation to place the Car Show to the west side of the festival along Warren Avenue, just west of downtown. It will be held only on Sunday and would affect about five residents.*

*Mayor Krajewski then asked for the final figures for the end of the year from the Finance Department.*

### 12. Adjournment

*Commissioner Tully moved to adjourn. Commissioner Urban seconded.*

*VOTE: YEA - Commissioners Tully, Urban, Durkin, Waldack, Sandack, Schnell, Mayor Krajewski*

*Mayor Krajewski declared the motion carried and the meeting adjourned at 11:23 p.m.*