

MINUTES OF WORKSHOP MEETING

DOWNERS GROVE, ILLINOIS

FEBRUARY 12, 2008

Mayor Sandack called the Workshop meeting of the Village Council of the Village of Downers Grove to order at 7:00 p.m. in the Council Chambers of the Village Hall. The Mayor led the audience in the Pledge of Allegiance to the Flag.

Present: Mayor Ron Sandack; Commissioners Marilyn Schnell, William Waldack, Sean P. Durkin, Geoff Neustadt, Bruce Beckman; Village Manager Cara Pavlicek; Village Attorney Enza Petrarca; Village Clerk April Holden

Absent: Commissioner Martin Tully

Visitors: **Residents:** Jan and Charley Smart, DGHPC, 4804 Main Street; Bill Nienburg, 5313 Washington; James Cavallo, Pierce Downers Heritage Alliance, 6943 Valley View Drive; Gordon Goodman, DGHPC, 5834 Middaugh; Allan Ambrose, Northern Trust, 50 S. LaSalle Street, Chicago; Bill Wrobel, Downers Grove Watch, 7800 Queens Court; Randy Haubold, 5899 Walnut Avenue; Mark Thoman, 1109 61st Street; Marge Earl, 4720 Florence Avenue; Daiva Majauskas, 5445 Lee
Staff: Robin Weaver, Interim Director, Public Works; Bob Porter, Police Chief; Dave Fieldman, Deputy Village Manager; Phil Ruscetti, Fire Chief; Mike Baker, Assistant Village Manager; Tom Dabareiner, Director, Community Development; Megan Bourke, Management Analyst; Mike Millette, Assistant Director, Public Works; Judy Buttny, Director, Finance; Brandon Deiter, Management Analyst; Mary Scalzetti, Director, Community Events; Doug Kozlowski, Communications Director; Wes Morgan, Director, Human Resources; Andy Matejcak, Director, Counseling and Social Services; Liangfu Wu, Director, Information Services

Mayor Sandack explained that Council Workshop meetings are held the second and fourth Tuesdays at 7:00 p.m. The meetings are video taped live and for later cable-cast over cable channel 6.

The Workshop meeting is intended to provide Council and the public with an appropriate forum for informal discussion of any items intended for future Council consideration or just for general information. No formal action is taken at Workshop meetings.

The public is invited to attend and encouraged to comment or ask questions in an informal manner on any of the items being discussed or on any other subject. The agenda is created to provide a guideline for discussion.

MANAGER

1. Active Agenda and Informational Items

Manager Pavlicek reviewed the items for comments and questions from the Council or general public.

- a. **Public Hearing for General Obligation Bond Issuance.** The Manager said the public hearing has been noticed for February 19. The purpose of the hearing is to take comments on the proposed issuance of General Obligation Bonds in the amount of \$24,679,000 for the Stormwater Improvement Fund.

The Mayor explained that this is a call to awareness to the public and they are welcome to participate in the public hearing.

- b. **Pre-annexation Agreements for 611 36th Street, 4618 Cross Street, 4700 Cross Street and 6009 Springside Avenue.** The Manager said a public hearing has been noticed for February 19 to take comments on approval of this Pre-annexation Agreement. The agreements are to obtain Village water.

Commissioner Schnell asked what would happen if an emergency situation should occur. Manager Pavlicek said she would prefer to see it brought to the Council. That is the express expectation of the DuPage Water Commission.

Commissioner Beckman asked about the right-of-way for the 6009 Springside address, and what kind of maintenance responsibility will be assumed. The Manager said this is only a pre-annexation agreement. She would look into what would occur upon annexation.

- c. **Solid Waste Collection & Disposal Services Contract – Addendum A.** The Manager asked Mike Baker to provide more information on contract changes.

Mike Baker, Assistant Village Manager, highlighted the changes. The first concerns reporting requirements not included in the contract whereupon the hauler provides Village with information about customers who have signed up for carts. The second change moves the effective date from Tuesday, April 1 to Monday, March 31, to allow for smoother transition to take place.

- d. **Transportation Fund.** The Manager said that a member of the Council requested discussion on the Transportation Fund with regard to the Grove Commuter Shuttle, and the financial relationship to the local circulator study.

Commissioner Schnell said that the new buses are expected to be here in May 2008.

Commissioner Durkin said that he wanted the ending Fund balance, and he received that. He thanked staff for the information, and asked how the Village will pay the negative balance of \$1.8 million. Commissioner Durkin said he knows that the Village can adopt a Transportation tax, which was not done previously. He would like the Council to start looking at solutions to offset the costs, and also wants to know about ridership. The information he received only goes through 2005. He also asked for information about marketing efforts.

Mayor Sandack said that adjustments were made in last year's budget to reduce the deficit somewhat, and it is imperative that they continue to recognize the deficit and be responsible for finding solutions.

Commissioner Neustadt said that the new buses will not solve the deficit costs, but there will be a reduction in the maintenance and insurance costs. He feels that the Village should continue to serve its customers. The issues of ridership and marketing will come up again once the new buses arrive. He agrees that there is a big deficit, acknowledging that the transportation system will probably never make money, but hopefully the deficit can be lowered.

- e. **Local Circulator Study Resolution.** The Manager said that Tam Kutzmark, the Transportation and Planning Director for DuPage Mayors and Managers, made a presentation to the Village Council a few weeks ago, asking for the Village's participation by approving a resolution to approve phase 3 of the Local Circulator Study.

Commissioner Waldack said he attended a meeting this morning regarding the mass transit bill, which was recently passed. The County will receive \$20 million from the ¼ cent sales tax. He hoped that the Circulator Study could be funded with some of those funds. Commissioner Waldack said that he has a hard time separating transportation system components, and prefers to see it as one system.

Commissioner Schnell said she has no problem moving forward with the resolution. The earlier presentation to the Council had many senior citizens in attendance. There are expectations that she heard which eventually could be met, but she doesn't want to set this up for failure. She believes they need to be careful and include people who have experience with the system so they are not set up for failure. She added that they need a good representation from the Senior community. DuPage Mayor and Managers needs to look at many aspects of transportation, including flexible routes, reverse commuting, and the problems that this might cause. There might be time when the schedule needs to be precise; however, they also must recognize the need for flexibility. Commissioner Schnell said she couldn't see Downers Grove buying more buses to go over and above the existing commuter system. She would like to see an estimate of the costs to be charged to the riders. Bridging the gap between costs and fare rates must be addressed, and she appreciated that this was put on the calendar when she is in attendance.

Commissioner Waldack said he asked the Manager about the economic benefits of public transportation, and she referenced a bibliography, which he did not have. The Manager said that it was sent via e-mail. Commissioner Waldack said that in their discussions of transportation, the Council rarely gets into the economic impact, and he said that there are benefits.

Commissioner Durkin asked whether the new buses are to be used for the circulator system, and the Manager said the Village's new buses are for the Commuter shuttle, and are owned by the Village with PACE. She further responded that if the Village were to abolish the system, the buses could not be sold at auction. Commissioner Durkin then asked about the flexible route, saying he would not be in favor of this because he believes they would dig a deeper hole. It would become a high-priced limousine service. He wants any information that can be obtained regarding flex routes. He noted that they are only allocating ten hours per month in staff time. Manager Pavlicek said that the total time for staff would be ten hours per month.

Commissioner Waldack said that the ¾ mile flex route saves some costs from the taxi subsidy program. He added that scheduling is something that the Transportation and Parking Committee would do.

Commissioner Schnell said that seniors were looking for flexible routes. Downsizing the Village's system by eliminating the charter service was partly for liability purposes. She asked what the increase in liability insurance costs would be if they went to a flex system.

The Mayor reminded everyone that all they are discussing at this time is the next phase of the Study. The commitment would only be to the study and personnel time.

Tam Kutzmark, Director, Transportation and Planning for DuPage Mayors and Managers, said that operating costs with respect to insurance are included in the costs they have projected. With regard to the flex route, the scheduling provides a range of ten minutes and is designed to give certainty to the rider. The schedules are choreographed with the train schedules. Ms. Kutzmark then addressed economic impact, saying that they can look at how riders are spurring economic impact, the morale of riders, festival attractions, etc. She said that the partnership with the RTA would be directed toward what goals and priorities the individual municipalities have.

Commissioner Durkin asked Ms. Kutzmark who the dispatcher is. Ms. Kutzmark said they have software on which the estimated operating expenses are based. They would recommend that the service as a whole would be operated out of the Village and staffed by the Village. The projected operating costs include the cost of the software and staff needed to operate the program. The Manager added that there could be an intergovernmental agreement where several communities might share one dispatcher.

- f. **Direction for a Tree Preservation Ordinance.** The Manager said this item was referred to the Environmental Concerns Commission.

Doug Kozlowski, Director, Communication, staff liaison to the ECC, presented preliminary information regarding a recommendation from the ECC concerning Tree Preservation. He provided general background information on Tree Preservation, which was first considered in 2005. He explained that after long consideration, the ECC adopted a motion in November 2007 that acknowledged the benefits of heritage trees, suggests requiring public notice for tree removal, includes fines for tree removal without notice, and suggests that removal of heritage trees be subject to review and permit. Mr. Kozlowski said that further definition of heritage trees, the relevance of tree canopy coverage, creation of a public hearing process, application fees, penalties, etc. would be included in policy details. He said that the next step is to place a workshop discussion on the February 26 agenda if Council agrees.

The Mayor said he believes that staff is asking for the Council's feelings regarding a Tree Preservation Ordinance on private property.

Marge Earl, 4720 Florence, asked whether there are any positive benefits that could be tied to the owners, instead of just penalties.

Jim Cavallo, 6943 Valley View Drive and member of the ECC, said that there are important public benefits associated with mature trees including a reduction of water surges and cleaning the water going into the sewer system. He noted that Edith Makra of the Morton Arboretum gave an excellent presentation to the Committee, and suggested she speak to the Council.

Dr. Gordon Goodman, 5834 Middaugh, a former member of the ECC, asked the status of the rest of the recommendation brought forward by the Village Forester in 2005 regarding assisting her in protecting trees on private property during construction. He said that private trees are important to the landowner and to the community. When the private tree section of the original ordinance was separated, it was expected that it would be brought back to the Council but it did not happen. He asked whether the Council would consider that this time around. The Mayor said there was no support for that portion of the Ordinance at that time.

The Mayor said there are innumerable public benefits to private trees, but the question is whether or not regulation intrudes upon or steps into the private rights of owners of the trees. He is not afraid of the topic but is skeptical of whether this is a good use of staff time and resources. He

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thinks most people see the value of trees in the community. He noted that Commissioner Tully sent a message that he supports continued discussion on this topic. He is intrigued by the concept of a Heritage Tree preservation program and its potential for striking some balance between the competing interests attendant to preserving trees located on private property.

Commissioner Neustadt added that he would like to spend more time on this issue, and obtain more information.

Commissioner Waldack said he had no problem having further discussion and thanked the ECC for their work. He read the minutes of the ECC and asked if there are any studies showing the impact of trees on stormwater. The answer he received from staff to that question doesn't coincide with the minutes or give information as to the effect on stormwater.

Commissioner Schnell said that she also had no problem moving forward with further discussion, adding that she would like to have a presentation from Morton Arboretum staff. She expressed interest in whether other communities have perks for private property owners for good behavior with regard to tree preservation. She would also like further information as to the relation of trees to stormwater issues.

Commissioner Beckman said he supports continuation of this dialogue. He is concerned why heritage trees are defined at 18" or 24" in diameter. Mr. Kozlowski responded that the Village Forester came up with the definition based on the records of removal of similar trees in the parkways. Trees of those diameters were found to be the oldest trees of one hundred plus years by counting the actual rings upon removal. Commissioner Beckman asked if that is simply a guide in making a decision, or will we do this with regard to other kinds of trees beneficial to the community. Mr. Kozlowski said that question would be asked of the Village Forester. Commissioner Beckman said that one issue of concern for him is that some developers have views that are counter to tree preservation. He referenced the property at Saratoga and Warren, and he would like to see an Ordinance that restrains this view.

Commissioner Durkin said the question that he asked is what role the property owner has regarding trees on their private property. Based on that question, he would not support this, as he has a real issue when the Village tells owners they cannot remove a tree on their property. Trees planted years ago may cause obstructions today, and he has an issue with regulating tree ownership on private property.

The Mayor said that this is simply to direct staff to continue this discussion. He leans with Commissioner Durkin philosophically; however, he believes they should continue the discussion. They have to determine what role of government they want in the Village. This could be seen as a public interest on private property. He sees the real priorities of the Council as the capital needs of the Village including stormwater, roads, and infrastructure.

Daiva Majauskas, 5445 Lee, said she agrees with the Mayor that owners have a right to do what they see fit for their private property; however, she agrees that it would be in the Village's best interest to have people plant more trees. She said the most important thing she hears is that it is not private owners as much as the builders that cut down the trees. She asked about establishing an ordinance that would require tree replacement by the developers.

The Manager said that this will be Workshopped in two weeks with a request for Council to direct staff on preparation of an ordinance.

2. Consent Agenda Items

- a. **Approval of Scope of FY08 Capital Projects.** The Manager said this is to approve the scopes of eight capital projects scheduled to be designed in 2008.

Mayor Sandack said he would like to see information on Channel 6. The Manager said that they are scheduling this on “At Your Service.”

Commissioner Waldack noted that this includes an item for a bike path.

Commissioner Schnell suggested putting maps on the cable station to show where the projects are located, as it would relieve fears. The Manager said it is both on-line and on cable.

Commissioner Schnell asked whether it is possible to get some of the right-of-way work done on Ogden Avenue. The Manager responded that the design work is scheduled for 2008, and they can review it in segments.

Robin Weaver, Interim Director, Public Works, said that they can do the work in segments.

Commissioner Beckman noted that cyclists have as much right on the roadways as drivers. He asked about the section in bikeways titled “grant money,” and asked if that means the funds have been granted by the State. The Manager said it does and is reimbursable.

Mayor Sandack said that bike paths are difficult in Downers Grove due to some of the older narrow roads in the Village. He then asked about Prairie Avenue and Woodward, and whether there is State funding for that work.

Mike Baker, Assistant Village Manager, said that Prairie Avenue is scheduled for June. The contract for Woodward was let by IDOT on January 18, and is awaiting formal award of the contract. Construction is expected to start mid-April.

Dr. Gordon Goodman, 5834 Middaugh, said he is interested in the north/south bikeway, noting there was a lot of discussion about putting the bike path along Highland Avenue, which is very heavily traveled. He saw this as a good revision of the previous plans.

- b. **Amendments to Cash Management and Investment Policy.**

Mayor Sandack thanked Commissioners Durkin and Waldack for vetting this. Commissioner Waldack said that not all of the items were discussed in Finance and Administration. He asked that the draft minutes be made available to Council and the public.

Commissioner Durkin said that the reference to January 21 in the minutes is for 2008 and not 2007. He asked whether Sec. 4.0-411 of the proposed policy means that the Village will not deal with banks that are not in the State of Illinois. He then added that the Village is requiring rating reports and call reports for institutions that want to do business with the Village. The Village will also not invest in start-up banks of less than two years. Commissioner Durkin then referred to the policy amendment, saying they should insert GFOA in the definitions glossary. The Federal Reserve Bank of Chicago should be the Federal Reserve Bank of Boston. Finally, with regard to bank board minutes being provided to the Village, he doesn't see this as happening and recommends that this be bypassed unless it is a local community bank.

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- c. **Heritage Festival Agreement – Sound Contract.** The Manager said R.J. Recording has been recommended to provide the sound system and technical support for the Heritage Festival stages. The contract is in the amount of \$15,600, with the option of requiring additional equipment at the same per unit price.
- d. **Lane Place Water Main Improvements Change Order.** The Manager said the Change Order is in the amount of \$35,332.
- e. **Authorize the Village Manager to Negotiate a Professional Services Agreement for a Financial Advisor.** The Manager said this is to authorize the Village Manager to negotiate a professional services agreement for financial advisor services with Northern Trust Corporation of Chicago.

Commissioner Durkin said the green sheet highlights the stormwater bonding, and asked if this is strictly for that item. The Manager said they will also be asked to identify and discuss any refunding options. There would be no actions regarding cash. The Manager said the terms of agreement have not been established. Commissioner Durkin said he was pleased with the job Northern Trust did in their presentation.

Commissioner Schnell said that Northern Trust has had this position before and has done good work.

- f. **IRS Reimbursement Resolution – Watershed Infrastructure Improvement Plan Funding.** The Manager said this allows the Village to capture back costs, and utilize bond proceeds for expenses related to construction of selected projects identified in the Watershed Infrastructure Improvement Plan.
- g. **Water Distribution Valve Assessment Program.** The Manager said this would authorize execution of a contract with M.E. Simpson Company in the amount of \$151,200 to assess, exercise and locate valves and maintaining the records.
- h. **Grant Amendment: Compressed Natural Gas (CNG) Fueling Station Upgrade.** The Manager said this amends the existing contract in the amount of \$213,466 to support installation of an additional compressor. The Mayor said that the Village has ten CNG vehicles.
- i. **2008 Awards of Excellence for Community Trees.** The Manager said this authorizes staff to prepare a grant application for the award. The Mayor said that last year the Village planted 175 trees in connection with the Village's 175th anniversary. The Village has been a Tree City every year.
- j. **DUI Prosecution Services.** The Manager said this resolution is for two positions for outside legal services to handle cases involving DUI's and Ordinance violations.

Commissioner Schnell noted that there has been a decrease in the DUIs issued, and she asked if they know why.

Police Chief Bob Porter said that the Village issued 243 DUIs in 2007, and the Police Department has been very proactive in educating the public.

The Mayor emphasized that the Village's liquor liaison, Carol Kuchynka, does a great job of preparing licensees for obtaining their liquor licenses and understanding their responsibilities. The Police also take enforcement very seriously.

MANAGER'S AND DIRECTORS' REPORTS

The Manager reminded the public that the Village offices will be closed February 18 in honor of President's Day.

Interim Public Works Director Robin Weaver reminded the public of the snow alert in effect until 11:00 p.m. with an estimated accumulation of four inches. There have been already 41 inches of snow this winter. The challenge has been with the icy conditions more than with the snowfall. Crews have been on 12-hour shifts. The Village is not out of salt, and has approximately 300 tons remaining, with an additional 200 tons of salt-sand mix. They are using the salt-sand mix at intersections, curbs and hills to treat and contain the ice conditions. Twelve drivers and two supervisors are on the shifts. She asked for continued patience from drivers and pedestrians with regard to snow removal.

Commissioner Beckman asked when they will be able to address the pothole situation. Ms. Weaver said in the winter they use a cold asphalt patch, which is only a temporary solution. They patch when they can. Some streets, including Woodward and Prairie, are scheduled for resurfacing. She noted that freezing/thawing cycles enlarge the potholes and prevent the cold patch from sticking longer.

Mayor Sandack said that salt is now a commodity and the Village is mixing its supply. He asked the public's indulgence if the Village needs to purchase more salt. The extreme temperatures are forcing them to remain flexible.

Commissioner Schnell asked if 39th Street east of Main is on the schedule and Ms. Weaver responded it is on the 2008 schedule.

Commissioner Waldack said that trying to avoid potholes creates safety problems.

ATTORNEY'S REPORT

Village Attorney Enza Petrarca said she was presenting ten items to the Council: 1) A resolution authorizing submittal of application to the Home Depot Foundation for the 2008 Awards of Excellence for Community Trees; 2) A resolution authorizing execution of Amendment One to the intergovernmental grant agreement by and between the Village of Downers Grove and the City of Chicago, by and through its Department of Environment; 3) A resolution authorizing execution of a rental/lease agreement between the Village of Downers Grove and RJ Recording; 4) A resolution amending Village Council cash management and investment policy; 5) A resolution declaring official intent regarding certain capital expenditures to be reimbursed from proceeds of an obligation; 6) A resolution accepting the preferred alternative in Phase 3 of the DuPage Mayors and Managers Conference Local Circulator Study; 7) A resolution authorizing execution of an agreement for legal services with Smith, Rickert & Smith; 8) A resolution authorizing execution of an agreement for prosecution services with Dolci & McMahon; 9) A resolution authorizing execution of annexation agreements for the properties located at 4618 Cross Street, 4700 Cross Street, 611 36th Street and 6009 Springside Avenue; and; 10) A resolution authorizing execution of an addendum to an agreement between the Village of Downers Grove and ARC Disposal & Recycling, Inc. dated November 20, 2007.

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COUNCIL MEMBERS

Commissioner Neustadt thanked everyone who attended the Ice Festival, and said it was amazing to see how many parts of the country were represented at the event. He also thanked Cable TV, Public Works and Community Events for their work on this event.

Commissioner Schnell thanked Mary Scalzetti and the Public Works staff for a great job. She said that apparently the Downers Grove Reporter is going to a publication schedule of one day a week and asked how that will effect the Village Corner. The Mayor responded that staff is aware of it.

Commissioner Schnell said that the Ad Hoc Committee on Housing met last night, and she asked staff to notify those who attended the meetings when this would be placed on a Workshop agenda.

Commissioner Beckman said that the Ice Festival was delightful. He attended the Saturday celebration of the 1846 Blodgett House noting it was interesting and he learned a lot. He also noted the grand opening of Egg Harbor at Acadia on the Green.

The Mayor agreed that the Ice Festival was fabulous and the artists did an incredible job. He also attended the Blodgett House celebration, and asked staff to set a date to honor the sponsors.

ADJOURNMENT

Commissioner Durkin moved to adjourn to Executive Session pursuant to Section 2(c)(1) of the Open Meetings Act to discuss personnel. Commissioner Schnell seconded.

VOTE: YEA – Commissioners Durkin, Schnell, Beckman, Neustadt, Waldack, Mayor Sandack

Mayor Sandack declared the motion carried and the Council convened into Executive Session at 8:51 p.m.

April K. Holden
Village Clerk

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