



# 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, March 1, 2011

7:00 pm

Council Chambers

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## 1. Call to Order

*Mayor Pro Tem Marilyn Schnell called the regular meeting of the Village Council of the Village of Downers Grove to order at 7:00 p.m. in the Council Chambers of the Downers Grove Village Hall.*

### Pledge of Allegiance to the Flag

*Mayor Pro Tem Schnell led those present in the Pledge of Allegiance to the Flag.*

## 2. Roll Call

Present: Commissioner Marilyn Schnell, Commissioner Bob Barnett, Commissioner William Waldack, Commissioner Bruce E. Beckman, Commissioner Geoff Neustadt and Mayor Ron Sandack

Absent: Commissioner Sean P. Durkin

Non Voting: Village Manager David Fieldman, Village Attorney Enza Petrarca and Village Clerk April Holden

*Visitors: Thomas Zawacki, Total Parking Solutions, 2721 Curtiss; Bill Wrobel, DG Watch Association, 7800 Queens Court; Becky Rheintgen, 4633 Cumnor; Larry Spatz, Joe Frankel and Lee Masover, Rita's American Roadhouse, 1211 Butterfield Road*

*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 of a general matter. 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. Finally, an opportunity is given for public comments and questions on items appearing on the Consent Agenda, the Active Agenda and the First Reading.*

*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.*

*There are agendas located on either side of the Council Chambers, and the audience is invited to pick up an agenda and follow the progress of the Council meeting.*

### MOT 00-04426

Motion: Permit Electronic Attendance

**Summary of Item:** This allows Mayor Sandack to participate in the March 1, 2011 Council meeting by telephone.

*Mayor Pro Tem Schnell asked for a Motion to allow Mayor Sandack to participate in the*

*Council meeting by telephone. Commissioner Barnett moved to allow Mayor Sandack to participate in the Council meeting by telephone. Commissioner Beckman seconded the Motion.*

*VOTE: YEA: Commissioner Barnett, Commissioner Beckman, Commissioner Neustadt, Commissioner Waldack, Commissioner Schnell, Mayor Sandack*

*Mayor Pro Tem Schnell declared the Motion carried.*

**Indexes:** Council Rules

### 3. Minutes of Council Meetings

*Council Meeting - February 15, 2011*

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

### 4. Public Comments - General Comments on Matters Not Appearing on Tonight's Agenda

*Bill Wrobel, 7800 Queens Court, said he is a member of the Chicago Area Theater Organ Enthusiasts. He attended a dinner in Joliet and was asked about the organ at the Tivoli. He noted that the theater organ is played every week on Friday and Saturday nights, saying that the information is on the Tivoli website. He's proud of what's going on in Downers Grove. Mr. Wrobel stated that there is a notice of this on Channel 6 as well.*

*Mr. Wrobel then referenced the band proclamation made recently by the Village Council, adding that North High School has a terrific band and choral program, and they also have a theater organ in the Johnson auditorium. On March 3 a program at the high school will be preceded with organ music for a half hour, as well as programs on March 10 and 17. At the end of the spring series, concerts will be held on May 10, 12, and 19. He said that the Chicago Area Theater Organ Enthusiasts donated the organ to Downers Grove North in 1969.*

### 5. Public Hearings

### 6. Consent Agenda

**COR 00-04429** A. Claim Ordinance: No. 5887, Payroll, February 11, 2011

**Sponsors:** Accounting

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

**Indexes:** N/A

**BIL 00-04430** B. List of Bills Payable: No. 5884, March 1, 2011

**Sponsors:** Accounting

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

**Indexes:** N/A

**MOT 00-04434** C. Motion: Award \$60,187.35 to Engineering Resource Associates, Inc., Warrenville, IL, for Design of the Valley View Estates Reconstruction and Water Main Replacement

**Sponsors:** Public Works

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

**Indexes:** Water Main Improvements

**RES 00-04435** D. Resolution: Maintenance of Streets and Highways by Municipality Under the Illinois Highway Code  
**Sponsors:** Public Works  
**Summary of Item:** A RESOLUTION FOR MAINTENANCE OF STREETS AND HIGHWAYS BY MUNICIPALITY UNDER THE ILLINOIS HIGHWAY CODE  
  
RESOLUTION 2011-14  
**A motion was made to Pass this file on the Consent Agenda.**

**Indexes:** Motor Fuel Tax

**MOT 00-04436** E. Motion: Award \$53,320.00 to Total Parking Solutions, Inc., Downers Grove, IL, for Purchase of Four Replacement Multi-Space Parking Pay Terminals  
**Sponsors:** Public Works  
**A motion was made to Award this file on the Consent Agenda.**

**Indexes:** Parking Deck - CBD

**MOT 00-04433** F. Motion: Note Receipt of Minutes of Boards and Commissions  
**Summary of Item:** Library Board - January 26, 2011 and February 9, 2011  
Liquor Commission - December 2, 2010  
**A motion was made to Note Receipt Of this file on the Consent Agenda.**

**Indexes:** Boards and Commissions Minutes

### **Passed The Consent Agenda**

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

**Votes:** Yea: Commissioner Schnell, Commissioner Barnett, Commissioner Waldack, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

## **7. Active Agenda**

**RES 00-04428** A. Resolution: Authorize an Intergovernmental Agreement with the County of DuPage for Emergency Telephone Dispatch System Services  
**Sponsors:** Police Department  
**Summary of Item:** This authorizes execution of an intergovernmental agreement between the Village of Downers Grove and DuPage County for emergency telephone dispatch services.

A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE COUNTY OF DUPAGE

RESOLUTION 2011-15

*A motion was made by Commissioner Barnett, seconded by Commissioner Beckman, to Adopt this file. Mayor Pro Tem Schnell declared the motion carried by the following vote:*

*VOTE: YEA: Commissioner Barnett, Commissioner Beckman, Commissioner Neustadt, Commissioner Waldack, Commissioner Schnell, Mayor Sandack*

**Adopt**

**Indexes:** Police Department, Police Equipment, Telephone System

**RES 00-04424** B. Resolution: Authorize a Redevelopment/Sales Tax Rebate Agreement with Packey Webb Ford, LP

**Sponsors:** Manager's Office

**Summary of Item:** This authorizes execution of a redevelopment/sales tax rebate agreement between the Village of Downers Grove and Packey Webb Ford, LP.

A RESOLUTION AUTHORIZING EXECUTION OF A REDEVELOPMENT/SALES TAX REBATE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND PACKEY WEBB FORD, LP

RESOLUTION 2011-16

*Commissioner Waldack said he would support this resolution. He commented that people are always debating how we spend our money, and argue about small amounts, then authorize these larger amounts. He asked staff to prepare a graph showing the effect of this. He noted this was discussed in the Long Range Financial Planning. It must be kept in mind that tax rebates amounts do not effect the revenue stream very much, and without them the Village would likely be losing money. It is important to realize that the overall effect is very small. The Village has a number of similar agreements and without them it might lose money.*

*Mayor Pro-Tem Schnell also commented that without these agreements the Village would not have redevelopment along Ogden Avenue. Many of the business sites have been updated due to these agreements. She applauded the EDC and staff for working with the business community to put these types of agreements in place.*

*Mayor Sandack responded that he appreciates both comments made. These are tax rebate agreements and they kick in after certain thresholds have been met. They are successful in keeping businesses open on Ogden Avenue, especially in light of the automobile economy and the overall economy.*

*Commissioner Beckman noted that the sales tax rebate, as it applies to Ogden Avenue and the automobile industry, is not an isolated event, but part of an overall strategy. He pointed out the difference between Downers Grove's Ogden Avenue dealerships and what is happening along Roosevelt Road.*

*A motion was made by Commissioner Beckman, seconded by Commissioner Neustadt, to Adopt this file. Mayor Pro Tem Schnell declared the motion carried by the following vote:*

*VOTE: YEA: Commissioner Beckman, Commissioner Neustadt, Commissioner Barnett, Commissioner Waldack, Commissioner Schnell, Mayor Sandack*

**Adopt**

**Indexes:** Sales Tax Rebate

**ORD 00-04423** C. Ordinance: Authorize a Second Extension of a Final Planned Development Amendment for Planned Development #31 for the Construction of a Two-Story Office Building at 3300 Woodcreek Drive

**Sponsors:** Community Development

**Summary of Item:** This authorizes the second extension of a final planned development amendment for Planned Development #31 for the construction of a two-story office building at 3300 Woodcreek Drive until February 2, 2012.

AN ORDINANCE AUTHORIZING A SECOND EXTENSION OF A FINAL PLANNED DEVELOPMENT AMENDMENT FOR PLANNED DEVELOPMENT #31 FOR THE CONSTRUCTION OF A TWO-STORY OFFICE BUILDING AT 3300 WOODCREEK DRIVE

ORDINANCE NO. 5190

*A motion was made by Commissioner Neustadt, seconded by Commissioner Waldack, to Adopt this file. Mayor Pro Tem Schnell declared the motion carried by the following vote:*

*VOTE: YEA: Commissioner Neustadt, Commissioner Waldack, Commissioner Barnett, Commissioner Beckman, Commissioner Schnell, Mayor Sandack*

**Adopt**

**Indexes:** Planned Development #31 - Esplanade at Locust Point

**ORD 00-04422** D. Ordinance: Amend Class P-O-2 License Provisions

**Sponsors:** Liquor Commission

**Summary of Item:** This amends the Class P-O-2 license provisions.

AN ORDINANCE AMENDING CLASS P-O-2 LICENSE PROVISIONS

ORDINANCE NO. 5191

*Mayor Sandack said this is a good use of being flexible for a good provider needing extra space. He noted that Lemon Tree will continue to operate as a full-scale grocery store.*

*A motion was made by Commissioner Waldack, seconded by Commissioner Barnett, to Adopt this file. Mayor Pro Tem Schnell declared the motion carried by the following vote:*

*VOTE: YEA: Commissioner Waldack, Commissioner Barnett, Commissioner Beckman, Commissioner Neustadt, Commissioner Schnell, Mayor Sandack*

**Adopt**

**Indexes:** Liquor Ordinance Amendments

**ORD 00-04427** E. Ordinance: Amend Liquor Sales Hours

**Sponsors:** Liquor Commission

**Summary of Item:** This amends liquor serving hours.

AN ORDINANCE AMENDING LIQUOR SALES HOURS

ORDINANCE NO. 5192

*Commissioner Neustadt said a sunset clause was discussed at the last meeting and is included in the ordinance. He asked that this be placed on a future agenda. This gives the Liquor Commissioner enough time to review how the new hours are working. He said he would support this ordinance.*

*Mayor Sandack agreed with Commissioner Neustadt. He said the Village has been responsive to good licensees who are seeking additional hours of operation. He is mindful of the need for review. This was a good process.*

*A motion was made by Commissioner Barnett, seconded by Commissioner Beckman, to Adopt this file. Mayor Pro Tem Schnell declared the motion carried by the following vote:*

*VOTE: YEA: Commissioner Barnett, Commissioner Beckman, Commissioner Neustadt, Commissioner Waldack, Commissioner Schnell, Mayor Sandack*

**Adopt**

**Indexes:** Liquor Ordinance Amendments

## 8. First Reading

**ORD 00-04432** A. Ordinance: Authorize the Second Extension of a Planned Development Amendment to Planned Development #9 and Authorizing the Extension of the Special Uses for 1200 75th Street to March 3, 2012

**Sponsors:** Community Development

*Village Manager Dave Fieldman said this ordinance authorizes a second extension for property at 1200 75th Street. He introduced Jeff O'Brien, Planning Manager, to provide further information.*

*Jeff O'Brien, Planning Manager, explained that the property at 1200 75th Street was formerly a BP gas station. In 2009 the property owner came before the Council for a complete re-do of the site. The location has been vacant for several years. He showed a photo of the site as it is today. Mr. O'Brien commented that the property has gone through attempts at sale. The plan presented is essentially the same as originally submitted with a new gas station, car wash and the elimination of curb cuts. One minor change is a reduction in the size of the building from 2900 square feet to 2400 square feet. He displayed the site plan showing the curb cuts, proposed buildings, gas pumps and garbage dumpster, which will be relocated to be less visible. Staff has reviewed the proposal and recommends approval as it is consistent with the original approval by the Village Council.*

*Commissioner Beckman thanked staff for providing information regarding the upkeep of the property and maintenance issues. He asked the procedure for maintenance. Mr. O'Brien responded that Code Enforcement Officers put this type of property on their routes and review the sites routinely. If people see problems he encouraged them to call Community Development.*

*Commissioner Waldack noted that this is located at one of the entryways to the Village, and he is sad that it hasn't progressed further. He has no problem giving an extension, and noted that if it were not approved, the petitioner would have to begin the process all over again, which would be a big issue. He is concerned about a full year extension and would prefer less than one year in the event problems arise. Commissioner Waldack added that the Village is restricted to the Code, and he asked Council to consider a shorter renewal term to the beginning of next year.*

*Commissioner Beckman asked staff if the extension of one year is an arbitrary extension period, or based on other needs. Mr. Fieldman said it is the maximum extension allowed by the Code. Mr. O'Brien responded further that petitioners usually request the maximum extension allowed.*

*Commissioner Neustadt said that he is fine with one year. It is what the applicant requested and it is consistent with other extensions.*

*Mayor Pro-Tem Schnell also commented that one year is traditional, and she cannot remember giving less than one year. A January/February deadline might put it in a more problematic situation, given the extreme weather at this time of year. She also addressed the difficulty of getting funding. She agreed that it is an entryway to the Village, and if the extra time provides a good product the one-year extension makes sense to her.*

*Mayor Sandack commented that these extensions stem from a change in the economic conditions, which were unanticipated. The present petitioner only acquired the property in December 2010. Their plans look substantially the same as initially submitted, and it makes no sense to deprive the property owner of the opportunity to improve their property. Even before the 2008 downward economic spiral, the Village had these types of requests and they were approved for one-year extensions. He sees this as an opportunity to improve their property, and believes it will benefit the Village.*

**Indexes:** Special Use - 1200 75th Street

**MOT 00-04437**

**B. Motion:** Award \$269,219.00 to J.F. New & Associates, Inc., Monee, IL, for Streambank Stabilization on Areas of St. Joseph Creek North Branch

**Sponsors:** Public Works

*Public Works Director Nan Newlon commented that this is a design build contract for stream stabilization in the amount of \$269,000. The adopted budget included \$300,000 for this project. Various areas of St. Joe's Creek north branch have experienced high amounts of streambank erosion. She presented photos and highlighted the areas of Prairie and Florence and between Austin and Rogers. There have been repeated high flows and rain events which have continued to deteriorate the banks. Ms. Newlon showed photographs of the deterioration that has taken place. She also presented photos of an area at Fairview and Austin that is in need of attention. Because this contract is \$30,000 under the amount budgeted, staff has asked the contractor for a quote on this area as well. She indicated that they will use an approach that is more ecologically sustainable by using more stable and natural materials. Five contractors are prequalified on this, and four contractors responded. J.F. New was the lowest contractor and best met the Village's needs for this project. Staff has requested an additional two years for monitoring and maintenance of the project. Preliminary meetings with residents will start immediately after the contract is approved. Construction is expected to begin in November of this year continuing through winter of next year.*

*Commissioner Neustadt asked whether there would be neighborhood meetings and on-going maintenance for the project. Ms. Newlon said they would start with neighborhood meetings and then work one-on-one with residents. Maintenance will provide stability to the project and is a permit requirement. Staff will be involved in training for maintenance as well.*

*Commissioner Beckman said the aerial photos show that there will be an impact on streets and roads, and he asked what accommodations will have to be made. Ms. Newlon said that the stream is conveyed underneath the streets. No work is planned on the conveyance systems. The work is actually being done on the streambeds. There will be little invasive work on the streets, with the exception of some construction vehicle parking.*

*Commissioner Barnett asked about the lifespan of the existing stabilization system. Ms. Newlon said the present system appears to be about 30-40 years old. There are better techniques now for monitoring the flow and erosion control. Commissioner Barnett asked if there would be any storage enhancements in the waterway, and Ms. Newlon said there would not.*

*Mayor Pro-Tem Schnell asked about the specific technology, and Ms. Newlon responded that they will use one of many different techniques. Mayor Pro-Tem Schnell then expressed concern about natural methods and high water situations. She noted that the Village is considering work on two bad sections, with an additional section in between, and asked whether that would collect silt if it is not done. Ms. Newlon replied that it is more of a structural issue for the third area right before Austin. The stabilization helps to reduce siltation and can be beneficial. Mayor Pro-Tem Schnell commented that it may be cost effective for the Village to do this.*

*Mayor Sandack said that projects like this are not well known but are an integral component of*

watershed improvement projects. Without this, private yards and homes are threatened, as well as the integrity of the system. He then asked about the Innisbrook project conducted a few years ago. He asked if staff has identified other projects. Ms. Newlon said that there are projects in all three major watersheds. Staff has added more stabilization projects for the future.

Indexes: St. Joseph Creek

## 9. Mayor's Report

Mayor Pro-Tem Schnell congratulated the Downers Grove South Speech Team on winning another State Championship, and also congratulated both Downers Grove South and Downers Grove North students who won individual Championship medals at State level.

### Materials to be Received

### Materials to be Placed on File

## 10. Manager's Report

Mr. Fieldman presented the Quarterly Report for the 2010 fourth quarter. He reviewed the key accomplishments of the quarter, saying a great deal of work occurred during that period and that the Mayor commented on many of the key accomplishments when he presented the State of the Village report. Mr. Fieldman noted that the annual report has been published on the Village's website. A brief overview of the general funds was then reviewed via tables displayed. Revenues in the general fund were down by about \$470,000 driven primarily by Sales Tax and Utility Sales Tax Revenue declines. Expenses are expected to come in about \$1 million below the estimated amount. Most of the savings was driven by non-personnel expense related items, and operating efficiencies of various departments. Based on this information, the use of reserves that were budgeted at \$830,000 should be only \$300,000. He repeated that the report is posted at [www.downers.us](http://www.downers.us) on the home page, and hard copies will be available at Village Hall as well as the Library.

Commissioner Neustadt commented on the feature of scrolling through the annual report on line. He pointed out that since 2009, the Village expenses have been reduced by \$8 million.

Mayor Sandack commented that the 2010 report is immediately accessible to the residents. Expected revenues were less than anticipated, but expenses were proportionately reduced. The strategic use of reserves was contemplated and was necessary. The year 2010 was a great year for staff innovation, flexibility and responsiveness in difficult economic conditions. He believes that 2011 will be every bit as challenging, and that staff has shown that it is up to the challenge.

Commissioner Barnett stated that the report represents good work done by staff; however, the Village did not cover its costs and had to use reserves. This is the second year of a three-year plan and staff and Council will continue to work to outperform the plan.

Mayor Pro-Tem Schnell commented on the unanticipated snow removal costs and asked whether the Village has to apply for Federal Disaster area monies if the State declares a disaster area as a result of the snowstorm. Mr. Fieldman said that staff does not know the actual process at this time, but we are monitoring the situation to file whatever is necessary to benefit from those funds, if they become available.

## 11. Attorney's Report

Village Attorney Enza Petrarca said she was presenting one item to Council: 1) An ordinance authorizing the second extension of a planned development amendment to Planned Development #9 and authorizing the extension of the special uses for 1200 75th Street to March 3, 2012.

### Future Active Agenda



## 12. Council Member Reports and New Business

*Commissioner Barnett said the Council received in its Friday packet a detailed response to a FOIA request for a report from the Human Service Commission. He asked that the report be given to the Commission. Mr. Fieldman said that staff will do so.*

*Mayor Pro-Tem Schnell then asked if it will eventually be presented to the Council. Mr. Fieldman responded that if there are policy issues raised, Council would be made aware of it.*

*Commissioner Waldack asked that if a report is prepared he would like to see it provided to Council.*

*Commissioner Beckman announced that the last day for voter registration for the April 5 election is March 8. He reminded everyone to review the temporary political sign regulations, pointing out that Section 28.1501.04(9) of the Village's Sign Ordinance outlines what is permitted.*

*Commissioner Beckman then said that the Grove Foundation had their Fine Dining Event in Downers Grove, which was an excellent event. There were many participants, and he hopes they do it again next year.*

*Commissioner Neustadt said that Thursday, March 10 is Girls' Night Out in downtown Downers Grove. Commissioner Neustadt then reported on attending the International Association of Firefighters of Local 3234 annual retirement party and service awards. Village firefighters who retired this past year were honored, and he thanked them for inviting him to the event.*

*Mayor Sandack said he is looking forward to his colleagues, the Village Manager and Greg Bedalov coming down to see him as part of the drivedown with the Chamber of Commerce. He said they would be welcome to beautiful Springfield. This has always been a very effective event. He also extended congratulations to Downers Grove North and Downers Grove South for their speech awards.*

*Mayor Pro-Tem Schnell thanked Doug Kozłowski for doing such a great job in providing good phone reception for communicating with Mayor Sandack for this meeting. Due to a personal family commitment she will be unable to attend the drivedown to Springfield tomorrow, but she wished her colleagues and the Chamber well in Springfield.*

## 13. Adjournment

*Commissioner Barnett moved to adjourn. Commissioner Beckman seconded the Motion.*

*Mayor Pro Tem Schnell declared the motion carried by voice vote and the meeting adjourned at 8:01 p.m.*