



Village of Downers Grove

Meeting Minutes

Downers Grove Village Council

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

Tuesday, June 21, 2011

7:00 pm

Council Chambers

1. Call to Order

Mayor Martin Tully 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 Tully led those present in the Pledge of Allegiance to the Flag.

2. Roll Call

Present: Commissioner Marilyn Schnell, Commissioner William Waldack, Commissioner Sean P. Durkin, Commissioner Becky Rheintgen, Commissioner Geoff Neustadt and Mayor Martin Tully

Absent: Commissioner Bob Barnett

Non Voting: Village Manager David Fieldman, 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 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.

Mayor Tully 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 Council Meetings

Council Minutes - June 14, 2011

Mayor Tully asked for a Motion to approve the minutes as submitted.

Commissioner Schnell moved to approve the minutes as presented. Commissioner Durkin seconded the motion.

The Mayor declared the Motion carried by voice vote.

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

Jane Amorosi, 5742 Dearborn Parkway, said she read a newspaper article about a stormwater utility for Downers Grove. The article noted that this would be expensive to the homeowners of the Village. She asked for information for the benefit of the taxpayers and also asked if a report is available.

Mayor Tully said the Council has discussed a stormwater utility and has engaged a consultant to provide a report regarding options and recommendations. He hopes it will not be expensive. The matter will continue to be addressed publicly. No decisions have been made yet. A report is not yet available although staff could provide historical information.

Ms. Amorosi said it would be helpful to have published in the newspaper the areas of flooding. She referenced the retention areas at Washington Park and McCollum Park.

The Mayor said the Village previously completed a study, the Watershed Infrastructure Improvement Plan (WIIP), that showed problem areas. The plan addresses these areas. It is on the Village website and in the Library.

Ms. Amorosi said some of the problem areas cannot drain into the new retention ponds. She asked about storm sewers to direct water from basements to storm sewers.

The Mayor said the plan is designed for regions, not individual homes.

Village Manager Dave Fieldman noted that Assistant Director of Public Works, Andy Sikich, is available to discuss this further with Ms. Amorosi.

Ms. Amorosi said this affects many people.

Commissioner Schnell noted that as part of this study, the consultants will hold public meetings with the public and Council. There will be many opportunities for the public to be educated as to a stormwater utility.

The Mayor said stormwater solutions are expensive; the utility is designed to fund the cost of the solutions.

Ms. Amorosi said she knows Villages are short of money. She referenced an article regarding selling or leasing parking lots or spaces or the parking deck. This is alarming to her. She urged the Council to be transparent in these discussions.

The Mayor said Council is inviting creative ideas. It does not mean they will be implemented.

Mr. Fieldman said the time period for the stormwater utility study is 14 weeks.

5. Public Hearings

6. Consent Agenda

The Mayor said Item E, MOT 00-04542, a motion approving the FY 11-12 budget for the Downers Grove Downtown Management Corporation, has been removed from the Consent Agenda. He asked for a motion to approve the Consent Agenda as amended.

Commissioner Schnell moved to approve the Consent Agenda as amended. Commissioner Durkin seconded the Motion.

- COR 00-04538** A. Claim Ordinance: No. 5903, Payroll, June 3, 2011
Sponsors: Accounting
A motion was made to Approve this file on the Consent Agenda.
Indexes: N/A
- BIL 00-04539** B. List of Bills Payable: No. 5906, June 21, 2011
Sponsors: Accounting
A motion was made to Approve this file on the Consent Agenda.
Indexes: N/A
- ORD 00-04540** C. Motion: Award \$16,806.00 to V3 Companies, Woodridge, IL, for St. Joseph Creek North (Sub F) Stormwater Improvements (SW-072)
Sponsors: Public Works
A motion was made to Authorize this file on the Consent Agenda.
Indexes: St. Joseph Creek, Watershed Infrastructure Improvement Plan, Stormwater Improvements
- RES 00-04541** D. Resolution: Authorize an Intergovernmental Agreement with the Illinois Department of Transportation for Traffic Signal Maintenance
Sponsors: Public Works
Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE ILLINOIS DEPARTMENT OF TRANSPORTATION FOR TRAFFIC SIGNAL MAINTENANCE

RESOLUTION 2011-36
A motion was made to Authorize this file on the Consent Agenda.
Indexes: Illinois Department of Transportation
- BID 00-04548** F. Bid: Award \$129,727.50 to J&R 1st in Asphalt, Inc., Hickory Hills, IL, for the 2011 Paver Crosswalk Upgrades (S-007-11)
Sponsors: Public Works
A motion was made to Approve this file on the Consent Agenda.
Indexes: Crosswalks

Passed The Consent Agenda

The Consent Agenda, as amended, was passed.

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

Votes: Yea: Commissioner Schnell, Commissioner Waldack, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt and Mayor Tully

7. Active Agenda

8. First Reading

BID 00-04543

A. Bid: Award \$140,525 to M&A Cement Work, Inc., Bensenville, IL, for 2011 Replacement Sidewalk Program (CIP Project S-006-11)

Sponsors: Public Works

Nan Newlon, Public Works Director, said the first two items on tonight's First Reading make up the 2011 sidewalk maintenance program.

The first item is the traditional bid for sidewalk removal and replacement of sidewalks that have cracked or are failing due to age or stress. Staff plans to replace approximately 18,000 s.f. of sidewalk as well as curb and ramps in compliance with ADA requirements. The low bidder is M&A Cement Work, Inc. of Bensenville in the amount of \$140,525.00. They performed the 2008 replacement sidewalk program. Their work was satisfactory and staff recommends this award.

To supplement this, staff is recommending a second contract for a sidewalk rehabilitation component to eliminate trip hazards. This involves cutting concrete with a special horizontal concrete saw. It allows for cost savings by rehabilitating sidewalks instead of replacing them, thereby stretching our dollars. Staff recommends addressing about 500 locations throughout the Village at a cost of \$46,200.00. The cost is typically \$50 per location.

One bid from Safe Step, LLC of Hortonville, Wisconsin, was received. They have not performed work in the Village before, but provided a demonstration of their work and staff determined that completed work was satisfactory.

Commissioner Schnell said rehabilitation is new. She asked that a description of the work be included in letters and on the website. She thinks this is a great program.

Commissioner Neustadt said with respect to the use of snowplows on the rehabilitated sidewalks, it was determined that snowplows do not further deteriorate the sidewalks.

Commissioner Rheintgen asked if only one bid was received because this is a new technology. Ms. Newlon said that was correct.

Commissioner Waldack said he was concerned about repairing the same failures. He noted that some failures are due to settlement, heaving, spalling, and tree roots, but he asked if inadequate compaction, poor sub-base and mix design would be the installer's fault.

Ms. Newlon said some sidewalks were installed by developers as houses were built and some by the Village. The Village has extensive quality control over the work it performs, but older sidewalks were installed piece by piece without a great deal of oversight of the mixes and compaction.

Commissioner Waldack asked if the rehabilitation is in those areas where builders or their subcontractors did the work.

Ms. Newlon agreed and added that there are also some areas downtown. The downtown sidewalks get a considerable amount of wear and snowplow activity, and she would not expect them to have the same life span as residential sidewalks.

Indexes: Sidewalk Construction, Sidewalk Improvements 2011

BID 00-04544

B. Bid: Award \$46,200 to Safe Step LLC, Hortonville, Wisconsin, for 2011 Sidewalk Rehabilitation Project (S-006-12)

Sponsors: Public Works

Indexes: Sidewalk Construction, Sidewalk Improvements 2011

- MOT 00-04549** C. Motion: Award a Contract for \$364,112 to H. Linden & Sons Sewer & Water, Inc., Yorkville, IL, for Pershing Avenue Storm Sewer Improvements
- Sponsors:** Public Works
- Ms. Newlon said this concerns a contract for the Pershing Avenue storm sewer improvements in the amount of \$364,112.00 to H. Linden & Sons Sewer & Water, Inc.*
- This project involves the installation of a new storm sewer along Pershing Avenue, north of Warren Avenue, as well as inlets in the parkway that will allow residents to utilize the Village's stormwater cost-share program. She depicted the locations for the Council. The water on Pershing Avenue discharges into culverts on private property. This project is included in the Capital Investment Program for 2011. Ms. Newlon said four bids were received; the low bidder is H. Linden & Sons Sewer & Water, Inc. They have not worked in the Village previously.*
- Commissioner Neustadt asked if the entire street would be redone. Ms. Newlon said no; it will involve only a small section.*

Indexes: Storm Sewers

- RES 00-04545** D. Resolution: Approve Final Plat of Subdivision for 436 Davis Street Subdivision
- Sponsors:** Community Development
- Tom Dabareiner, Director, Community Development, said this and the next two items concern lot consolidations.*
- The first is a request to consolidate three lots into one for the property at 436 Davis Street. He showed the location on Davis, east of Douglas. The property consists of two 30-foot wide by 132-foot deep lots and one 15-foot wide by 132-foot deep lot. The petitioner is proposing to consolidate the three lots into one 75-foot wide by 132-foot deep lot and is also proposing to demolish the existing single family home and detached garage, and construct a new single family home that would stretch across all three lots. No exceptions from the Subdivision Ordinance are requested. This meets the setback and minimum lot dimension requirements. The Plan Commission considered this petition on May 23 and recommended unanimous approval; staff concurs.*
- Commissioner Schnell asked about the adjacent homes as the existing structure is close to the adjacent property.*
- Mr. Dabareiner said this is an existing legal, nonconforming structure. The new house will have 7 1/2 foot sideyard setbacks.*
- Commissioner Neustadt said side-by-side lot consolidations are more traditional, have been done previously, and many have been done to create a bigger lot. At the Plan Commission meetings, on item D, Davis Street, only a few residents made comments to staff. On item E, Sterling Road, only a few comments were given to staff, residents and the neighbors. Notices were received and there was good feedback from the residents. There were some comments about stormwater concerns regarding the Davis Street petition and staff will work to address those in the permit processing phase. He said both Davis Street and Sterling Road petitions have permits submitted for new homes. They are homes, not accessory structures.*
- Commissioner Waldack said the issue is whether the lots should be consolidated. He is in favor of consolidation but has a problem in terms of larger homes and the stormwater issues that result. Best management practices are not sufficient and can cause stormwater problems for neighbors. This needs to be addressed. There is a need to be respectful of the neighbors and do no harm. He suggested that the stormwater regulations may need to be reviewed.*

Indexes: Subdivision - 436 Davis Street

RES 00-04546 E. Resolution: Approve Final Plat of Subdivision for 3940 Sterling Road Subdivision

Sponsors: Community Development

Mr. Dabareiner said this is a request to consolidate two existing lots into one lot at 3940 Sterling Road. He showed the location of the property. This is vacant property. It is 27,400 s.f. and consists of two 50-foot wide by 274-foot deep lots. The petitioner is proposing to consolidate the two lots into one 100-foot wide by 274-foot deep lot and to construct a new single family home. No exceptions from the Subdivision Ordinance are requested. The consolidation will increase the side yard setback requirements from seven to ten feet. The Plan Commission considered this petition on May 23 and recommended unanimous approval; staff concurs.

Indexes: Subdivision - 3940 Sterling Road

RES 00-04547 F. Resolution: Approve Final Plat of Subdivision for Douglas-Gierz Resubdivision (500 Gierz Street)

Sponsors: Community Development

Mr. Dabareiner said this is a request to consolidate two existing lots into one lot at 500 Gierz Avenue. The property is 12,024 s.f. and consists of a 60-foot by 130-foot east-west lot on the corner and a 32-foot by 125-foot lot that runs north-southeast of the corner lot. The petitioner is proposing to consolidate the two lots into one and to potentially expand their existing house or build a detached garage to the east. The proposed lot will meet all minimum lot dimension requirements. The Plan Commission considered this petition on May 23 and recommended unanimous approval; staff concurs.

Commissioner Neustadt noted that the Plan Commission minutes reflect that after notice was sent to the neighbors, there were no other comments.

Commissioner Rheintgen asked if the smaller lot had been an alley. Mr. Dabareiner said most likely it had been.

Jeffrey Crane, 4825 Saratoga, referenced Commissioner Neustadt's comments regarding public comments. He noted that traditional lot consolidations were side-by-side, but now there are non-traditional lot consolidations. He said he would like to know if public comment is the driving force in considering lot consolidations. He commented that this is an odd-shaped consolidation. Further, he is having problems consolidating his two lots.

The Mayor said this discussion concerns these three lot consolidations. Public comments are relevant to some degree, but there are land use standards which must be met in considering a lot consolidation. He referenced the public outcry about lot splits and the number of requests, including variations, that came before the Council. These raised stormwater and residential redevelopment issues. Now Council is seeing more requests for lot consolidations which offer opportunities to address setbacks, sight lines, roof overhangs, etc. He said the goal is to have all lots 75-foot wide. Stormwater and construction requirements need to be handled properly. None of these requests require variations or exceptions.

With respect to this property, the Mayor said the shape reminds him of a flag lot. He asked if it would be possible to build a home on the alley portion, behind the other home.

Mr. Fieldman said staff will provide an exhibit showing an outline of the buildable area based

on setbacks. In response to Commissioner Rheintgen, he said it will also show the buildable area for accessory structures. This information will be presented at the next meeting.

The Mayor said he believes there is no intention to build another home.

Commissioner Schnell asked if there was egress onto a street at the end of the pole. Mr. Dabareiner said there was not.

Commissioner Schnell said it is landlocked.

Commissioner Waldack said a restriction could be included in the resolution.

Mr. Fieldman said staff will look into this as well.

Indexes: Subdivision - Douglas-Gierz Resubdivision (500 Gierz Street)

9. Mayor's Report

Materials to be Received

Materials to be Placed on File

10. Manager's Report

Mr. Fieldman said the next Long Range Financial Planning meeting is June 28, 2011. The topic is infrastructure.

11. Attorney's Report

Future Active Agenda

12. Council Member Reports and New Business

Commissioner Durkin referenced a report issued by Midwestern University regarding the economic and revenue impact of Midwestern University on Downers Grove and DuPage County. He suggested it be added to the Economic Development Corporation's (EDC) website. The economic impact is huge - \$478.5 million in DuPage County, including \$289.8 million in construction as well as jobs.

Commissioner Schnell complimented Cindy Klima for sending this report to Council. It highlights the work done by the EDC. She encouraged people to enjoy the Rotary GroveFest and noted that it is bigger this year than it was last year.

Commissioner Neustadt said Rotary GroveFest begins Thursday night with preview rides. The car show will be held on Sunday and the craft fair will be at Fishel Park on Saturday and Sunday. It is a great event and he thanked the Rotary Club for hosting it. The Commissioner said the new bandshell at Fishel Park is beautiful.

Commissioner Rheintgen said the Council questions and responses are now on the website. This is a great way for people to know the Council questions regarding an upcoming agenda. She noted that her family is a recent convert to the garbage cart and recycling cart program and she loves it.

Commissioner Waldack said he supports GroveFest, but expressed his disappointment that there will be no Council booth.

With respect to New Business, Commissioner Waldack said full compliance with the sign ordinance will be required of all businesses in just 11 months. At that point Code Enforcement

will begin issuing citations. The ordinance is over six years old and it was contemplated that it would be reviewed at some point. Staff may have reviewed it and the Plan Commission and ZBA have had some discussions regarding it. He suggested convening a group including representatives from the business community as well as former members of the sign ordinance committee to review the present sign ordinance before the Village starts looking for full compliance.

Commissioner Waldack said the Comprehensive Plan review began last week. He said Council needs to accept the report on the Consent Agenda and suggested doing so at the next meeting.

Mayor Tully commented on additional information on the Village's website. Two items have been added: The Manager's report and Council questions and responses.

Regarding the sign ordinance, Mayor Tully said the intent was always to review the ordinance as the need arose. It has been reviewed and changes have been made. He urged caution with respect to freezing everything on the eve of compliance. This would not be fair to those who have followed the ordinance. He would prefer to continue to deal with this as it has been. The ordinance has a mechanism for review.

With respect to the Comprehensive Plan, Mayor Tully said a tremendous amount of work was done by dedicated individuals, and hard work is continuing. He has a different interpretation of "accept." This is in the possession of Council, which now needs to act. He said he greatly appreciates the efforts of everyone who has worked on this.

Mayor Tully said there are two days to GroveFest. He invited the public to attend. He said he will be working in the Beer Garden on Saturday and Sunday.

13. Adjournment

Commissioner Schnell moved to adjourn. Commissioner Durkin seconded the Motion.

VOTE: YEA: Commissioners Schnell, Durkin, Rheintgen, Neustadt, Waldack; Mayor Tully

Mayor Tully declared the motion carried and the meeting adjourned at 8:07 p.m.