



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, July 5, 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 Bob Barnett, Commissioner William Waldack, Commissioner Sean P. Durkin, Commissioner Becky Rheintgen, Commissioner Geoff Neustadt and Mayor Martin Tully

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

Comprehensive Plan Session Minutes - June 14, 2011

Council Minutes - June 21, 2011

Long Range Financial Planning Session Minutes - June 28, 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.

Siren Policy Review

Village Manager Dave Fieldman presented a report on the storm of June 21, 2011 including the storm attributes, warning sirens, power outages, tree damage, communication, and estimated expenses to the Village.

The Manager said that a tornado warning was issued by the National Weather Service for a seven county area from 7:50 p.m. to 9:00 p.m. The National Weather Service confirmed an EF-1 tornado the following day. Significant damage was caused to trees, and power outages occurred across the Village.

Mr. Fieldman said that the Village's warning sirens were not activated per the Village Operations Center policies and procedures for warning siren activation. The policy is based on guidelines issued by the DuPage County Office of Homeland Security. The policy was reviewed earlier this year and approved. It called for activation of the warning siren based on a confirmed tornado sighting. Sirens are activated for three minutes per qualifying storm event and there is no all-clear signal. The circumstances surrounding this storm did not meet the specific criteria in place at that time; however, given the nature and significant impact of the storm, the Village recognizes the importance of reviewing and updating the policies and procedures to avoid a similar situation in the future. Staff immediately reviewed the policies and changes were made to activate the sirens based on conditions similar to the June 21 event. The changes took effect July 1, 2011.

Regarding the power outage, about 6600 customers were without power immediately following the storm. By Saturday evening, all restoration efforts were completed by ComEd.

The Manager said that 120 parkway trees were removed, and there was extensive private property damage. Staff began removing trees from roadways immediately. The Village Council policy for tree removal was triggered to remove all tree debris whether publicly or privately owned. Village crews and private haulers worked on the tree removal. Two special collections by Republic Services were conducted on June 25 and July 2. Village crews have worked 12-hour shifts since the event and will continue to do so until July 8. By the end of the day July 6, community-wide notification was instituted to provide residents with an update of the cleanup procedure. The Village-wide communication system was used on five separate occasions during the event as well as e-news updates and continual updates on the website.

With regard to expenses, the estimate ranges between \$300,000 - \$500,000 for storm response. The cost covers contractual services and unanticipated staff overtime. In addition, if the Village replants the 120 parkway trees lost, the cost is estimated at \$50,000. These costs will be paid using the general fund reserves. The Village is pursuing available grants and reimbursements.

Commissioner Waldack agreed that policies were followed, and they did not meet resident expectations. The policy was changed accordingly. He verified with staff that the issue would be discussed regionally. He has a problem with some of the wording, such as 'imminent threat.' He would like to review that language. Reports from residents regarding after the storm activity has been tremendous. He hopes this can be discussed in the Long Range Financial Planning sessions. This year the Village has experienced a winter storm, and this storm with an estimated total cost of about \$800,000. He also suggested better use of getting the word out, because if people did not have a landline they did not receive a call from the Village. He also suggested perhaps using fire stations as a source of information. Commissioner Waldack asked what people will do if they still have brush out after July 11.

Mr. Fieldman said if there is a special circumstance, the Village will pick it up. Otherwise it will be handled in the normal manner by bundling the debris and affixing stickers.

Mayor Tully said there will be a map on the website to show where the pick up has occurred,

and where the remaining pick ups will take place.

Commissioner Barnett thanked staff, saying that these types of events are not predictable, but they are certain to occur. It is important to be fully prepared. The rapid recovery and restoration to some semblance of normal is an incumbent responsibility of the Village.

Commissioner Neustadt commented that staff did an outstanding job on all levels. People heard sirens going off in town. The Village has two sets of sirens, one of which is operated by the Park District and is a lightning detection system. They are distinct sounds. He recommended that people go to the Village website and register their cell phones for the Village-wide notification service.

Commissioner Schnell said she believes the amendment to the policy is appropriate and reacts to the concerns of residents. She said the most important thing is to work with the County to get a consistent policy within the County of DuPage. Residents will feel more secure with consistency. She encouraged the staff to be leaders in this regard. Commissioner Schnell thanked administrative staff for their quick action, and expressed her appreciation to those working 12-hour days to clear debris away. She has heard repeated comments about the professionalism of all staff.

Commissioner Durkin said he supports what staff did. This was a blanket warning covering a large area. He said that he received alerts from the National Weather Service and contacted the Mayor and Manager as those alerts came in. He doesn't want the Village to become trigger happy and sound alarms when not needed. He referenced the Park District Thorguard lightning detector system, and amendments they made to their policy for sounding the system. At the end of the day, he said no matter what communications are provided, we are all responsible for ourselves, and must be aware of our surroundings.

Commissioner Rheintgen commented on the mutual aid agreement with other communities. She would like to know how much that saved the Village.

Mayor Tully commented that he appreciated the thorough and comprehensive report. The policy was in place and was deemed at that time to be adequate; however, there are inconsistencies throughout the region. The Village pledged to make changes and has made those changes. He also appreciated the speed with which the new criteria was put in place. In similar circumstances now, the sirens would be activated. The Mayor noted that safety is the highest concern. He appreciated the work and coordination done with ComEd. There was a tremendous, quick and effective response to the tree debris pick up.

Capital Projects Update

Nan Newlon, Director, Public Works, reported that new sidewalk construction is underway. Paver upgrades for crosswalks are scheduled to begin next week, and all downtown businesses were informed via e-mail. Two projects coming under First Reading tonight are DR-022 and DR-038, which is a design-build contract for streambank stabilization of areas of St. Joseph Creek South Branch. Additionally, SW-035, for watershed improvements at 2nd and Cumnor will be before the Council next week. The downtown parking study is underway, and the survey is ongoing.

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

1. James Toler, 111 41st Street, read a statement regarding his dealings with Commonwealth Edison and asked for the Village's help. He said he has lived in Downers Grove since March 15, 1997 in the townhouses on the south side of 41st Street between Cumnor Avenue and West End Avenue in the western section of the Long Meadow Subdivision.

He asked for the Village's help and protection in dealing with Commonwealth Edison. He said he has lost his electric power over 77 times since 1997 not including the 2 days for the recent tornado. In addition to the tornado he has had 2 other outages this year for a total of nearly 4 days, and this year is barely half over - nearly 6 days total so far in 2011.

The trouble with ComEd's reliability and service in his area is well known to the Village. He referenced letters from Doug Kozlowski of the Village going back to the year 2000 discussing ComEd's reliability issues in his neighborhood. Sadly 11 years later, he is asking for help and protection.

On Dec. 3, 2004, Ron Hart from ComEd's Reliability Testing Department admitted that Mr. Toler's feeder line was in the top 1% of all trouble systems in ComEd's service territory based on the sheer number and frequency of outages.

When his power is out, all the houses on the west side of the street are out of power, and all the houses on the east side of the street still have power, because they are on a different feeder line coming in from Westmont.

Many of the outages he has suffered are systemic to ComEd's service to his townhouse complex only, and did not affect the other residents in the subdivision. For example it took ComEd two years to replace a faulty transformer in his complex (from 2007-2009) that only serves six townhouses including his. Regardless of the number of customers affected by its outages, ComEd is responsible for all maintenance of their equipment and their history of poor reliability stands on its own as a monument to negligence and abuse.

He said he has tried for 14 years to get results, and now he is asking the Village Council for its help and protection, specifically that the Village Council direct the Village Attorney to file a lawsuit for gross negligence against ComEd on behalf of all the citizens of Downers Grove. He said he would be happy to serve as the named plaintiff in that action.

He also asked the Village Council to direct the Village Attorney to have subpoenas issued to ComEd, specifically ordering them to produce any and all reliability reports, tree trimming orders and schedules, and every other service and maintenance related documents ComEd may have in its possession, pertinent to ComEd feeder lines known as: #W455, W458, W458X, W548Y, as well as all of those very same documents for the Transmission Substation known as #TSS-145 York Center, for the time period of March 1997 to the present day.

So that the Village and the courts can accurately compare and evaluate the scope of ComEd's reliability inequities and service deficiencies, he strongly suggested Council to instruct the Village Attorney to issue additional subpoenas to ComEd to provide all that very same information for each and every feeder line, substation and transmission facility in use within the Village, or which serves any portion the Village, regardless of its location or the feeder line's point of origin. That Order ought to include provisions that ComEd will, at its own expense, provide appropriate, knowledgeable, and authorized management and service personnel to the Village to review and explain each and every document and record so that the Village may accurately access and compare the level of service and reliability between all areas of the Village, to discover if each and every Village resident is being treated fairly and equitably by the de facto monopoly known as ComEd.

Perhaps an antitrust suit brought by the Village would be of use as well. He said the U.S. Supreme Court's approach to antitrust laws since the 1970s has been to focus on what is best for the consumer. The antitrust laws serve to check and redress the abuses of market dominance by those who, having acquired market dominance by proper means, have abused it since obtaining it. Within that suit one could gain access to the decisions made at the corporate level in the boardrooms at ComEd and Exelon where the decision to delay, deny and ignore needed maintenance and to limit reinvestment in infrastructure are actually made.

He said he awaits the Council's immediate action.

Mr. Toler presented an "Addendum to July 5, 2011 Public Comment" to the staff and Village Council as well.

2. Guy Brownson, 5904 Downers Drive, congratulated the employees for their outstanding job during the tornado. They did an outstanding job with tree removal as well. He said that all employees should be complimented. Mr. Bronson added that he would have preferred to have public transportation available for GroveFest.

5. Public Hearings

6. Consent Agenda

COR 00-04550 A. Claim Ordinance: No. 5905, Payroll, June 17, 2011

Sponsors: Accounting

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

Indexes: N/A

BIL 00-04551 B. List of Bills Payable: No. 5908, July 5, 2011

Sponsors: Accounting

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

Indexes: N/A

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

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

Indexes: Storm Sewers

BID 00-04543 D. 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

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

Indexes: Sidewalk Construction, Sidewalk Improvements 2011

BID 00-04544 E. Bid: Award \$46,200 to Safe Step LLC, Hortonville, Wisconsin, for 2011 Sidewalk Rehabilitation Project (S-006-12)

Sponsors: Public Works

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

Indexes: Sidewalk Construction, Sidewalk Improvements 2011

RES 00-04552 F. Resolution: Authorize a Pedestrian Underpass Agreement with BNSF Railway Company and the Commuter Rail Division of the Regional Transportation Authority

Sponsors: Village Attorney

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF A PEDESTRIAN UNDERPASS AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE, BNSF RAILWAY COMPANY AND THE COMMUTER RAIL DIVISION OF THE REGIONAL TRANSPORTATION AUTHORITY

RESOLUTION 2011-37

A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF DUPAGE AND THE VILLAGE OF DOWNERS GROVE CH2/BELMONT GRADE SEPARATION AT THE BURLINGTON NORTHERN RAILROAD TRACKS SECTION 99-00173-03-GS

RESOLUTION 2011-38

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

Indexes: Metra, Burlington Northern , Belmont Road Underpass

MOT 00-04553 G. Motion: Award a Contract in the Amount of \$15,071.28 to ESC Midwest, LLC, Buffalo Grove, IL, for the 2011 Storm Sewer Material Testing Services

Sponsors: Public Works

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

Indexes: Storm Sewers

Passed The Consent Agenda

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 Barnett, Commissioner Waldack, Commissioner Durkin, Commissioner Rheintgen, Commissioner Neustadt and Mayor Tully

7. Active Agenda

RES 00-04545 A. Resolution: Approve Final Plat of Subdivision for 436 Davis Street Subdivision

Sponsors: Community Development

Summary of Item: This approves the final plat of subdivision for the 436 Davis Street Subdivision located at 436 Davis Street.

A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR THE 436 DAVIS STREET SUBDIVISION

RESOLUTION 2011-39

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

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

Indexes: Subdivision - 436 Davis Street

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

Sponsors: Community Development

Summary of Item: This approves the final plat of subdivision for the 3940 Sterling Road Subdivision located at 3940 Sterling Road.

A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR THE 3940 STERLING ROAD SUBDIVISION

RESOLUTION 2011-40

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

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

Indexes: Subdivision - 3940 Sterling Road

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

Sponsors: Community Development

Summary of Item: This approves the final plat of subdivision for the Douglas-Gierz Resubdivision located at 500 Gierz Street.

A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR THE DOUGLAS-GIERZ RESUBDIVISION (500 GIERZ STREET)

RESOLUTION 2011-41

Mayor Tully said these three items were discussed at a previous meeting. He noted that no exceptions or variations are being sought in these consolidations. The action in these items combines properties and helps to meet the goal of 75' wide lots. He said Gierz Street is an unusual assemblage and he was concerned that this not create a flag lot situation. He said he is confident that with the seven foot building area, there is no risk of a flag lot on this property.

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

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

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

8. First Reading

MOT 00-04555 A. Motion: Award a Design-Build Contract in the Amount of \$387,750.00 to Applied Ecological Services, Inc., Brodhead, WI, for Streambank Stabilization on Areas of St. Joseph Creek South Branch

Sponsors: Public Works

Ms. Newlon explained that this is a combination of two drainage projects in St. Joseph Creek South Branch. She showed slides of the area. One project (DR-038) is for stabilization work at the corner of Kenyon and Washington Streets and will take place over the next two years. Ms. Newlon then showed slides depicting the three areas of erosion and sedimentation of the second project (DR-022). The three areas are Fairmount to Webster, Fairmount to Lyman, and between Washington and Webster. Three bids were received and staff recommends awarding the design-build contract to Applied Ecological Service, Inc. Staff compared the basic elements of each company and the costs to determine which was in the best interests of the Village. In addition to the base bid, staff recommends additional alternate bid items be included in the contract to prevent additional erosion along Kenyon Street, to provide greater flood storage for the area, and to improve the water quality.

In response to Commissioner Neustadt, Ms. Newlon said that the area DR-038 is a medium priority, and DR-022 is an overall maintenance approach.

Mayor Tully commented that it was great that this project came in under budget and asked if the additional tasks outlined are included in the \$387,000. Ms. Newlon said they are. The Mayor confirmed with the Village Manager that this leaves \$100,000 for other stormwater projects.

Indexes: St. Joseph Creek

9. Mayor's Report

Materials to be Received

Materials to be Placed on File

10. Manager's Report

Mosquito Abatement Efforts

Ms. Newlon said that there are two predominant species of mosquitoes in the area. The floodwater mosquito is primarily a nuisance, and its population rises with the amount of water and rain. Those are treated with larvicides in early June. She said they are difficult to treat because they travel long distances. Type 2 is the house mosquito, which is of concern because it carries the West Nile virus. Staff has been monitoring the house mosquitoes closely and there have been no reported cases in DuPage County. This type is more effectively treated with spray. Floodwater mosquitoes are causing a nuisance at the moment, but staff is monitoring the situation since there are a number of residents who object to the spraying.

In response to Commissioner Waldack, Ms. Newlon said that spraying is triggered by either a presence of a confirmed case of West Nile, or confirmation that mosquitoes have been found in the traps. The other reason to spray is if there is a high volume of calls.

11. Attorney's Report

Future Active Agenda

12. Council Member Reports and New Business

*Commissioner Durkin reported on an e-mail he received regarding the best places to work in academia. An article in *The Scientist* ranked Midwestern University 6th out of 15 for both the Downers Grove and Arizona campuses. He congratulated them on a job well done.*

Commissioner Waldack commented on the recent storm, saying that the Village averted a disaster. He suggested a post-mortem on this situation, and suggested the Public Safety Committee review the calls that have come in, review the policy, how to get information out, how residents can best use fire stations, and follow-up with ComEd. Also, Commissioner Waldack said the Village spends a lot of money on its tree canopy. In years past the Village stretched out the time of pruning. Policies were changed as the result of Public Services Committee meetings, and he suggested that the Public Service Committee review the storms actions, particularly as it relates to the trees and Public Works.

Commissioner Waldack then congratulated the Rotary Club for their excellent work on RotaryFest. The weather was good and the event was fun. He also commented on a great July 4th parade and congratulated Mary Scalzetti on her work. The fireworks were well done and uplifting. As for the parade, he rode in a Model T car, and it presented a unique perspective to view the residents.

Commissioner Rheintgen announced that the Bike and Buggy Parade would be held July 10. She said it will take place on Burlington between Forest and Main. They are requesting donations for the FISH pantry. Refreshments will be served afterwards at Fishel Park.

Commissioner Neustadt said that this Friday is the classic car show, Pontiac GTO night, with a blues band.

Mayor Tully echoed comments on the GroveFest, the Parade, and congratulations to Mary Scalzetti.

The Mayor then responded to Commissioner Waldack's suggestions for meetings of two Standing Committees, Public Safety and Public Services. He is not suggesting that the Village has learned everything there is to be learned. He said his concern is that Council members need to identify other issues with staff. He suggested that they identify questions and work with staff before adding another meeting to the high list of priorities staff is working on already.

13. Adjournment

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

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

Mayor Tully declared the motion carried and the meeting adjourned at 7:59 p.m.