



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, November 1, 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.

Minutes of Council Meetings

Council Minutes - October 18, 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.

Proclamations

Mayor Tully proclaimed November as National American Indian Heritage Month in the Village of Downers Grove. He presented the proclamation to Virginia Gary who said that the D.A.R. has sponsored scholarships for Native Americans for 75 years. She thanked the Mayor and the Council for the proclamation.

Mayor Tully then proclaimed November 26, 2011 as Small Business Saturday in the Village of Downers Grove and urged all citizens to support the small businesses of Downers Grove. He presented the proclamation to Linda Kunze of the Downtown Management Corporation. Ms. Kunze said that this event will take place during the Gingerbread Festival Weekend.

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

Frank Falesch said he saw an article in the Reporter about the house on Benton Avenue. The Village paid \$460,000 for the building, spent another \$100,000 for stormwater improvements, and is now going to sell it for \$260,000 minimum. He asked for an explanation.

David Fieldman, Village Manager, explained that the Village purchased the property with the intent of constructing an underground storage facility. The intent was to demolish the house; however, the Village was able to install the detention in the sideyard. The Village is in the process of selling the house and the remaining property. He explained that the Village would maintain an easement for the stormwater facility. The stormwater facility diminishes the value of the property. They are following a State process in terms of an auction sale, and the property has to be appraised to establish a minimum bid. The Village is recouping some of the money paid. There was an appraisal when the property was purchased, and after the stormwater improvements were made.

Commissioner Rheintgen said you cannot build where the stormwater easement is located.

Mr. Falesch said he thought the stormwater work should improve the whole neighborhood.

Mayor Tully said that the stormwater work restricts the usage of the property.

Mr. Falesch then commented about photographs shown by Mr. Wrobel of property on Ogden Avenue where the snow was dumped on the sidewalks. He said that the Village needs to come up with a penalty for those who are noncompliant with the snow removal regulations.

Commissioner Durkin commented about the original plan for the house on Benton, saying the plan was to demolish the house and make it a dry basin. Because the Village was able to do another method of detention, the Village is saving money and is able to sell the house.

5. Public Hearings

2012 Budget

Mayor Tully called the public hearing to order at 7:11 p.m. to consider the proposed FY12 Budget. Notice of this hearing was published in the Downers Grove Reporter on October 19, 2011 and a certificate of publication is made a part of these proceedings. He then summarized the procedures to be followed for the public hearing.

Mr. Fieldman reviewed the budget and tax levy schedule. He presented an overview of the budget message, which is available on line. The budget was prepared per plans and reports. The General Operating Fund is balanced, and this budget proposes to reduce the overall property tax levy. It allows for continued implementation of the Water Fund plan, and also proceeds with continued investment in the infrastructure through dedicated revenue sources.

Changes in the Capital Fund include increasing revenue and expenses by \$250,000 as well as

increasing funding for the new sidewalk program by \$300,000 through the use of \$250,000 in grant proceeds and shifting \$50,000 from other capital projects. The budget also reflects an increase in revenues and expenses in the Water Fund by \$1 million in direct response to the DuPage Water Commission (DWC) rate increases. He explained the process with regard to obtaining water, saying that the City of Chicago sells water to the DuPage Water Commission, and they sell the water to the Village. The Village sells water to our customers. The Manager explained that the DWC announced a water rate increase effective 1/1/12 due to a rate increase by the City of Chicago, short-term debt payments, capital improvements, and a projected loss of sales tax revenue. The DWC has proposed a four-year rate increase plan with a 30% rate increase in 2012; 20% in 2013; 18% in 2014 and 17% rate increase in 2015. The Village's original water plan model included a 10% annual increase based on DWC's original prediction. The Village's response to the DWC increases is to pass through the increases. Because of the changes from the DWC, the Village proposes revised annual increases over the next four years at 25% in 2012, 18% in 2013, 14% in 2014, and 14% in 2015. The FY-12 Water Fund budget reflects the increase. The cost of purchasing water from DWC will increase by \$1 million in 2012.

Bill Wrobel, 7800 Queens Court, said that on October 18 there was extensive discussion regarding allocation of funds for the sidewalk program. He believes in sidewalk safety. He lives in Knottingham where streets will be rebuilt. Mr. Wrobel said he received a letter from Public Works about a meeting on construction and traffic calming. He noted an inconsistency in traffic calming applications and projects that have been approved and are awaiting proper funding. Three years ago \$100,000 was appropriated to traffic calming, subject to a second year appropriation of \$100,000 but, due to budget constraints, that budget was eliminated. However, applications for traffic calming have continued to be submitted. He said he attended a meeting about a year ago where Blodgett was approved for traffic calming, but it is all on hold due to funding. Mr. Wrobel said a traffic study done on his street showed that 80% of the cars travel 34.9 miles per hour in a 25 mph zone. Many projects are waiting for support. He asked before they move forward, that funding for traffic calming be reconsidered. In addition, some devices are being warehoused and he was told by Public Works that there is not enough money to install even temporary devices. Traffic calming is as vital as are the sidewalks.

Mark Thoman, 1109 61st Street, commented that the current Council approved policy is a 2-4 month cash reserve, or 17%-34%. Staff is proposing 40% reserve. Mr. Fieldman responded that the 40% is a rule of thumb on the fund balance. The 2-4 month policy is on a cash basis.

Commissioner Waldack apologized if anyone was offended when he last spoke about the budget. He said that the Village can designate funds to Meals on Wheels and designate those funds to Downers Grove. He noted that due to reserves, the Village has about \$80,000 available. He asked that \$20,000 be restored for the Transportation Subsidy and \$10,000 for Meals on Wheels. He addressed the term "special interest" stating that it has a bad connotation. If Seniors are special interests, then those who support and don't support sidewalks are special interests. These programs are competing for the same dollars. Commissioner Waldack then referenced the term "competing interests," saying there are a lot of competing interests affecting the Village's budget. He spoke about the "greatest good for the greatest number." Probably more people will be affected by Meals on Wheels and the Transportation Subsidy than by a small segment of sidewalks. He referenced essential needs for food, clothing and shelter. These programs address food and the ability to stay in one's home. If they are unable to stay in their homes, it costs the taxpayers more than the cost of this program. Commissioner Waldack commented that this is redistribution and noted that Seniors and the disabled and those that should not drive equal 10% of our population that pay property taxes and/or sales taxes. With regard to property taxes, Commissioner Waldack stated that 75 cents out of every dollar goes to schools, including transportation and food subsidy. He is proposing that less than one cent, about 1/8 of one cent, go to Meals on Wheels. He believes it is appropriate to return a small portion to the needy. This is a matter of political will, and he asked that the budget be modified.

Commissioner Schnell referenced the possible additional street sweeping and its cost. When the contract is up, she suggested an additional sweep and cost as part of an option in the RFP.

Commissioner Durkin asked the staff to review how street sweeping is done in the fall, including a review of historical data.

Commissioner Barnett addressed Mr. Wrobel's comments on traffic calming. He is in agreement but there is not enough money because infrastructure costs are in the multi-million dollar range. But he said that this is on the Council's radar.

Mayor Tully thanked the staff for the work they put into presenting this budget, saying it is a constant task. Staff proposed a balanced budget with no reduction in services and a one-time reduction in property taxes, which is very positive. With regard to the traffic calming, he said that they look for opportunities and incorporate those as they can; however, there are many competing interests including streets, sidewalks, stormwater, and traffic calming. They all merit attention, but have to be considered in terms of getting as much as possible for the dollars. The Mayor then spoke to restoring funds to Meals on Wheels with the use of public dollars. He commented that there are strong feelings on this, and there is no consensus. DuPage County Senior Services deserves the Village's support; however, there are other organizations as well, and he does not see this happening in this budget. It is not being ignored, but requires more of an effort to find alternative ways to meet those needs. Mayor Tully noted that there may be ways to accomplish that goal. The Council is not uncaring or deaf to the concern. Concerning the Transportation Subsidy, he asked whether the amount carries over if it is not completely used up. Mr. Fieldman said it does not. It is tracking close to budget at this time, and it would contribute to the fund balance if the funds were not all expended.

There being no further questions or discussion, Mayor Tully asked for a Motion to adjourn the public hearing. Commissioner Schnell moved to adjourn the public hearing. Commissioner Durkin seconded the motion.

VOTE: YEA - Commissioner Schnell, Commissioner Durkin, Commissioner Rheintgen, Commissioner Barnett, Commissioner Neustadt, Commissioner Walkack; Mayor Tully

Mayor Tully declared the Motion carried and adjourned the public hearing at 7:48 p.m.

6. Consent Agenda

Item 6C-RES 00-04687, a resolution approving final plat of subdivision for 7221-7241 Lemont Road, was removed from the Consent Agenda.

COR 00-04683 A. Claim Ordinance: No. 5923, Payroll, October 21, 2011

Sponsors: Accounting

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

Indexes: N/A

BIL 00-04684 B. List of Bills Payable: No. 5940, November 1, 2011

Sponsors: Accounting

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

Indexes: N/A

MOT 00-04688 D. Motion: Authorize Purchase of Computers from CDS Office Technologies in an Amount Not to Exceed \$62,892.00

Sponsors: Information Services

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

Indexes: Computers

RES 00-04689 E. Resolution: Authorize Acceptance of a Grant of Easement for Utility Purposes - 5132 Cumnor Road

Sponsors: Public Works

Summary of Item: A RESOLUTION AUTHORIZING A GRANT OF EASEMENT AND INDEMNIFICATION AGREEMENT FOR 5132 CUMNOR ROAD

RESOLUTION 2011-83

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

Indexes: Village Property - Acquisition

RES 00-04690 F. Resolution: Authorize Acceptance of a Grant of Easement for Utility Purposes - 5136 Cumnor Road

Sponsors: Public Works

Summary of Item: A RESOLUTION AUTHORIZING A GRANT OF EASEMENT AND INDEMNIFICATION AGREEMENT FOR 5136 CUMNOR ROAD

RESOLUTION 2011-84

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

Indexes: Village Property - Acquisition

MOT 00-04685 G. Motion: Note Receipt of Minutes of Boards and Commissions

Summary of Item: Architectural Design Review Board - October 8, 2009

Environmental Concerns Commission - September 8, 2011

Library Board - October 12, 2011

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 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

MOT 00-04679 A. Motion: Authorize \$18,388.20 for Membership Dues for DuPage Mayors and Managers Conference (DMMC) for November 1, 2011 through April 30, 2012

Sponsors: Manager's Office

Summary of Item: This authorizes renewal of the FY 11-12 DuPage Mayors and Managers Conference membership and submit pro-rated dues in the amount of \$18,388.20.

Commissioner Neustadt said he could see, and was aware of, the need for staff to be able to network and communicate with other DMMC members. However, where he does not find the

value is as an elected official, noting that the DMMC has not responded to Village requests from last year. He said that he was hoping for more efficiencies and better communication, more notice of legislation affecting Downers Grove and DuPage County and he hasn't seen it. Commissioner Neustadt said that \$18,000 for six months is a lot of money and the Village needs to consider each dollar as much as the next and the value it gets for its expenditures. He said he would not be supporting this expenditure but will be monitoring interactions with the DMMC. If processes improve, he will support Village membership in the future.

Commissioner Barnett stated that the reasons the Village left DMMC were that Village interests were not well served, the issues important to Downers Grove were not addressed, and there appeared to be an emphasis on the interests of non-home rule communities. But most importantly, Commissioner Barnett stated that he was uncomfortable with their activities because they seemed aggressive and adversarial as a starting point, which is inconsistent with the values of the Village. He has not seen any changes in the DMMC and will vote "no." Commissioner Barnett said he recognizes the desire to work through the DMMC, and he is heartened by some of the promises made last week by representatives of the DMMC regarding changes. He looks forward to seeing those changes. Specifically, he is looking forward to legislative efforts that are more broadly focused on both home rule and non-home rule communities as well as equitable grants distribution and an organization that recognizes the difficult straits that governments are facing. He has high anticipation and hope that these sentiments will be exhibited by the DMMC. He said he is placing a lot of faith in Mayor Tully who has expressed his intent to participate in the DMMC in the future.

Mayor Tully said there is no need to debate the reasons that the Village left the DMMC. They have spent some time apart and have learned some things by the absence. He referenced the detriment by the Village's absence and the need to collaborate, cooperate, and communicate with our neighbors. He said there is great value in being part of the conversation. He noted that the Village is making a commitment to participate in a leadership role. He said the Council will revisit this. He will vote in favor of this Motion.

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

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

Indexes: DuPage Mayors & Managers

ORD 00-04676 B. Ordinance: Annex 5899 Walnut Avenue to the Village of Downers Grove, Illinois

Sponsors: Community Development

Summary of Item: This annexes 5899 Walnut Avenue to the Village of Downers Grove

AN ORDINANCE ANNEXING 5899 WALNUT AVENUE TO THE VILLAGE OF DOWNERS GROVE, ILLINOIS

ORDINANCE 5231

A motion was made by Commissioner Durkin, seconded by Commissioner Barnett, to Adopt this file. Mayor 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: Annexation

8. First Reading

ORD 00-04692 A. Ordinance: Prohibit Overweight Trucks on Certain Streets

Sponsors: Public Works

Mr. Fieldman noted that this ordinance concerns traffic restrictions on Janet and Lacey Roads.

Nan Newlon, Director, Public Works, explained that the residents on Janet initiated this request. This is a 21' wide local street serving residential homes, and is in close proximity to Ogden Avenue and Lacey Road, as well as the commercial property on those streets. Staff has determined that the residential roadways are not designed for heavy equipment, and proposes to restrict trucking operation of trucks over 6 tons within the Lacey Road commercial area north of Ogden Avenue.

Commissioner Barnett asked whether there is any way to enforce this, and the Manager said there is.

Commissioner Durkin asked whether this weight class is a common restriction on all of the residential streets. Ms. Newlon said that the ordinance provides two different weight classes, one for 6 ton and one for 5 ton. This will restrict construction weight class, but will allow normal delivery type trucks. Commissioner Durkin asked why the Village doesn't have this type of restriction on all the residential streets. Mr. Fieldman responded that they have discussed an overall restriction. Commissioner Durkin recommended that this be done Village-wide.

Commissioner Neustadt asked whether there will be adequate signage and Ms. Newlon responded that there would be.

Mr. Fieldman said there is an overall weight limit and a program for permits as needed. Commissioner Durkin asked for 2010 and 2011 fees for overweight trucks.

Commissioner Schnell noted that this must be enforced in order for it to work.

Indexes: Oversize/Overweight Vehicles

ORD 00-04693 B. Ordinance: Amend Provisions for the Extension of Liquor Serving Hours

Sponsors: Liquor Commission

Village Attorney Enza Petrarca explained that this ordinance would amend the Liquor Code with respect to extension request provisions for liquor serving hours. It would reduce the number of liquor sales extension requests from eight to four per year. It also amends the liquor service hours to allow sales until 2:00 a.m for certain holidays (New Years Eve, St. Patrick's Day and Thanksgiving Eve), thereby eliminating the need for licensees to request extensions on those days. The Liquor Commission discussed this matter at its meetings of September 8 and October 6, 2011, and recommended approval.

Indexes: Liquor Ordinance Amendments

9. Mayor's Report

ComEd Reliability Report

Mayor Tully said there are three issues to report from ComEd. First, ComEd's vegetation management department has been in touch with the Village Forester. All targeted tree trimming will begin in 2012 and will not take place before the end of 2011. ComEd is walking areas now and will provide a report on all of the areas walked so residents will know where they are going and what they are doing. Secondly, ComEd has concluded work in Circuit 458X which they determined needs improvement. This is located in the area of 41st Street. Thirdly, the Illinois General Assembly overrode Governor Quinn's veto of Senate Bill 1652, the Smart Grid Legislation. However, a trailer bill was passed as part of that Bill that includes some of the

consumer protection and liability issues that were lacking in the original Bill. He indicated that the efforts of municipalities were effective to some degree.

New Business

10. Manager's Report

Mr. Fieldman asked Communications Director Doug Kozlowski to present a report.

Mr. Kozlowski announced an electronics recycling program in the Village starting on a regular basis. In 2012 electronics will be prohibited in landfills. The Village will provide an opportunity to recycle electronics once a month, on the first Saturday of the month. The first event will be Saturday, November 5, from 9:00 a.m. to noon at Village Hall, at the rear of the building. Additional information is available on the Village's website including the type of items that will be accepted for recycling.

Mayor Tully said this is a great addition to services already provided. He noted there was an overwhelming response to and participation in the recycling extravaganza and not everyone was able to participate. Having this program on an ongoing basis is great.

Commissioner Rheintgen asked if the data stored in the hard drive will be destroyed. Mr. Kozlowski said not only is the computer completely dismantled, the hard drive is not resold or reused.

11. Attorney's Report

Village Attorney Enza Petrarca said she was presenting three (3) items to the Council: 1) An ordinance amending provisions for the extension of liquor serving hours; 2) An ordinance prohibiting overweight trucks on certain streets; and 3) An ordinance adopting the Fiscal Year 2012 budget in lieu of passage of an Appropriation Ordinance.

Future Active Agenda

12. Council Member Reports and New Business

Commissioner Rheintgen said that Commissioner Neustadt and she attended the Belmont Underpass opening. It is a great project and one that the Village residents should be proud of.

Commissioner Neustadt said that he plans to actively participate in the DMMC.

Commissioner Barnett commented that, with respect to the budget public hearing, he appreciated Commissioner Waldack's tone and ideas, and the Mayor's renewed interest in the subject tonight. He said that hopefully they can find ways to fill the holes and be creative.

Commissioner Durkin said that will conduct a multi-conference business meeting on November 16, which will be the first meeting of the DMMC in which the Village can participate. He will be present. He then thanked whoever was responsible for the demolition of the Amoco Gas Station at 63rd and Main Street. The Commissioner then asked about the status of the gasoline station at 75th and Lemont Road. He asked staff to provide an update.

Commissioner Durkin noted that he distributed to Council and staff a Global Credit Portal report by Standard and Poors on natural disasters and local government credit quality. He encouraged everyone to read the report. With regard to traffic calming, the Commissioner noted that Chicago looked at cameras in school zones for speed violations. He would like the Village to investigate that as an option for the Village in school zones.

Commissioner Durkin then wished Downers Grove South good luck in their football game against Brother Rice.

Commissioner Schnell said she is encouraged that the Council could talk about budget issues tonight without emotion. She would like to discuss this outside of the budget cycle.

Mayor Tully noted that he and Commissioner Schnell will attend the National League of Cities Conference in Phoenix, Arizona this year, and they will make it a point to learn as much as they can and participate in meaningful conversations with their peers.

Mayor Tully then announced that the Indian Boundary YMCA is holding a fund raising dance event on November 12. That same evening Diveheart and Good Samaritan Hospital are holding their fund raising events.

Mayor Tully then wished his son, Martin, Jr. a happy 17th birthday.

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 8:23 p.m.