DRAFT

MINUTES OF WORKSHOP MEETING

DOWNERS GROVE, ILLINOIS

SEPTEMBER 24, 2002

Mayor Krajewski called the Workshop meeting of the Village Council of the Village of Downers Grove to order at 6:30 p.m. in the Council Chambers of the Village Hall.

Present: Mayor Brian Krajewski; Commissioners Marilyn Schnell, Thomas Sisul, Michael Gilbert, Sue McConnell, Mark Zabloudil; Village Manager Riccardo Ginex; Village Attorney Enza Petrarca; Village Clerk April Holden

Absent: Commissioner Martin Tully

Visitors: **Press:** Christine LaFave, The Sun; Kevin Stahr, Downers Grove Reporter
Residents: Jim Knippen, Walsh, Knippen, Knight & Diamond, 601 W. Liberty Drive, Wheaton; Cate Linden, 2150 W. 59th Street; Larry Napierkowski, 5809 Woodward; Brian and Liz Chaplin, 5623 Pershing Avenue; M.E. Murphy, 5824 Lee Avenue; John Pieper, 1761 S. Naperville Road, #201, Wheaton; Jim Lindberg, 5514 Lomond Avenue; George Nicholaou, Plan Commission, 4845 Highland Avenue; Catherine Reynolds, Plan Commission, 5534 Plymouth; Tamara Gilbert, 7421 Blackburn #201; Terri Gilbert, 4617 Highland; Marilynn Gerloff, 4241 Highland; Mike Kubes, 5538 Lyman; Scott Koehlinger, 5750 S. Woodward; Mary Ellen and Peter Cahill, 3935 Elm Street; John and Ian Hayse, 6030 Woodward; M. Kate LaGory, 5809 Pershing Avenue; P. Christ, 5721 Woodward; Marilyn Neubauer, 5855 Belmont Road; C. Graves, 2400 Inverness; R. Graves, 2407 Inverness; Dolores Fisher, 4621 Roslyn Road; Terry Hansen, 4525 Roslyn Road; Ron Vondrasek, 6008 S. Lee Avenue; John Mann, 5912 Sherman Avenue; David Dennis, 5935 Belmont Road; Dave Tatterson, 1240 Gilbert; Kim Simpson, 5525 Elinor; Nancy Simpson, 6922 High Road, Darien; Christine Fregeau, 1918 Elmore Avenue; Andrew Clark, 1226 62nd Street; Roger Andreen, Automotive Services, 844 Warren; Brad Hartjes, C.M. Lavoie & Associates, 633 Rogers Street; William R. Punzio, Phillip J. Riley Architects, Inc., 12833 Harlem, Palos Heights; Denise & Steve Dimpfl, 5509 Lomond Avenue; Terry Lohse, 6312 Walnut; Anthony Iacovtti, 5365 Belmont Road; Judy Giles, 6006 Pershing Avenue; Carolyn Mitrius, 5704 Pershing Avenue; Marc Patno, 4517 Belmont Road; Randy Owens, 5900 Pershing Avenue; Ann Muniz, 5617 Pershing Avenue; Veronica Klymus, 6293 Woodward; Marjorie Schumacher, 6295 Woodward; Beth Warnecke, 5825 Lee Avenue
Staff: Amanda Browne, Planner; Dave Van Vooren, Deputy Village Manager, Administration; Mary Wennerstrom, Crime Prevention Specialist, Police Department; Marion Heintz, Public Education Manager, Police Department; Mike Baker, Assistant to the Village Manager; Jack Bajor, Director, Public Works; Don Scheidler, Code Services

Mayor Krajewski explained that Council Workshop meetings are held the second and fourth Tuesdays at 6:30 p.m. The meetings are video taped live and for later cable-cast over cable channel 6.

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

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

MANAGER

Manager Ginex said he was removing item 5, Metra Agreement, from the agenda as Metra and IDOT are still negotiating the terms of the agreement.

The Manager introduced Marion Heintz and Mary Wennerstrom of the Downers Grove Police Department who presented the new police robot squad car to the Council.

Marion Heintz, Public Education Manager, Police Department, thanked Mayor Krajewski and Senator Dillard for sponsoring the grant that made the robot squad car possible. She said it will be used in schools for educational programs, as well as at public events such as Heritage Festival, Safety Town and the annual Red Ribbon Rally. She thanked Dan Pawlowski of Fleet Maintenance for the excellent job done painting the car. She said the car has two tops – a hard top and a McGruff top. She said the car engages children and captures their attention. She then introduced "Paddy Wagon."

Mayor Krajewski said the robot was at the Oktoberfest activities this past weekend.

1. **DuPage Water Commission Omnibus Agreement**. Manager Ginex said during the summer and fall of 2002, a number of residents with private wells in unincorporated Eastern Lisle south of Ogden Avenue had their wells sampled for contamination. Tichloroethylene (TCE) had been detected in at least 20 private wells and was found to exceed the acceptable limits set by the US Environmental Protection Agency Drinking Water Standards for public water supplies in six wells. Subsequently, in the spring of 2001, the Illinois Environmental Protection Agency began a groundwater investigation just east of I-355 in unincorporated Downers Grove. Results of some samples in this area showed some solvent contamination in scattered wells. Due to these findings, the IL EPA began a separate investigation in unincorporated and incorporated Downers Grove. By December 2001, the IL EPA tested approximately 471 wells and 199 had contamination levels above the drinking water standard. Another 200 had detectable levels of contamination. It was at this time that Governor Ryan put together a task force to look into the matter. County Board Chairman Robert Schillerstrom also directed representatives of the County to work with the DuPage Water Commission and the Municipal Charter Customers to form an agreement to address the serious problems of contaminated wells within the County.

The Manager said the omnibus agreement would enable the Water Commission to act as a conduit so that water can be made available to unincorporated areas through the Charter Customer Municipalities. He said highlights of the agreement include providing water to contaminated areas in DuPage County, obtaining low interest 2%, 20-year loans from the Water Commission for individuals to hook up to existing mains or for new infrastructure. Municipalities would have the right to require potential customers to enter into annexation agreements as a condition of service, but annexation would not be required for at least ten years. Once all parties sign the Omnibus Agreement, an implementation agreement can be put together to determine how the delivery and construction would actually occur. He said the Water Commission approved the final agreement on August 8, 2002.

The Manager introduced James Knippen from Walsh, Knippen, Knight & Diamond to review the agreement. Mr. Knippen represented the Municipal Charter Customers during the negotiation process.

The Mayor asked how many municipalities have passed this to date.

Jim Knippen, Walsh, Knippen, Knight & Diamond, said he did not have the exact number, although Roselle and Addison have approved it and he anticipates Woodridge approving it on Thursday. Several other municipalities are moving toward approving the agreement. He said e-mail among the charter members might give a more accurate count. John Perry of Woodridge is organizing this.

Mr. Knippen said Council has been provided with a copy of the omnibus agreement. He said the agreement is an extremely detailed, complex document that was the subject of a variety of negotiating sessions over a period of several months. The document constitutes a strong statement of political policy. According to Mr. Knippen, the agreement is, in essence, an agreement to agree. Because each of the communities has different problems related to contaminated areas, it is impossible to negotiate a single document that would be of a generic form that would work for all municipalities. The goal was to put a format into place that would provide a solid foundation for the establishment of an implementation agreement.

Mr. Knippen referred to paragraph 3.2 of the document related the establishment of the implementation agreement. Mr. Knippen said Attorney Mike Roth is drafting the generic form of the implementing agreement. This will then come to the municipalities. The County, the municipality and the Water Commission would then work on the specific details associated with implementing the provision of water to those areas in each municipality. A meeting in July 2002 of the charter members resulted in a unanimous vote recommending approval of omnibus document. It will establish the continuing good faith of the charter member municipalities in efforts to provide water to contaminated areas, while at the same time maintaining the charter agreement. This agreement does not impinge upon or compromise the charter agreement. This should act as a reasonably good springboard to providing water to the contaminated areas.

Commissioner McConnell asked if the primary and secondary service areas in Section 3.2 have been predefined. Mr. Knippen said none of the areas are predefined at this point due to limitations associated with testing that has occurred to date and because engineering has not yet been thoroughly done. The implementation agreements will define the contaminated areas for service purposes.

Commissioner McConnell asked when testing would occur. Mr. Knippen said testing could occur before a service area is specifically identified or it could be covered in the implementation agreement.

Commissioner McConnell asked if the boundaries could be manipulated to make them primary or secondary areas. Mr. Knippen said this could not happen because a municipality, the County, or the Water Commission could reject the service area in the implementation agreement. The political decision remains within the authority of the three parties under the implementing agreement.

Commissioner McConnell asked about the qualifications of the engineers and those doing the testing. She asked Mr. Knippen to address how those people will be selected.

Mr. Knippen said the engineers would have to follow state standards with regard to potable water. The water would have to be submitted to state certified labs to determine whether the maximum contaminant levels have been exceeded. The engineers can be designated in the implementing agreement.

Commissioner McConnell said the quality of the work is most important. She asked about the differential fees. Mr. Knippen said differential fees can be imposed so long as they are based on rational evidence or basis. You cannot discriminate against people you are providing water to unless there is a basis for it based on the totality of circumstances. Mr. Knippen said the Courts have included in their analysis a broad series of additional costs that can be added to differential fees that increase the water rates. There must be a factual basis for the differential fees in order to be sustained.

Mayor Krajewski reviewed the municipalities that have differential rates for a number. He said not all municipalities have established those rates yet.

In response to Commissioner McConnell, Mr. Knippen said there is case law related to water rates.

Commissioner Schnell asked about Article Six, Terms of Service. Specifically the agreement addressed service from an existing main within 90 days of execution of the agreement if the Charter Customer does not require a pre-annexation agreement. She asked if the time frame refers to the omnibus agreement or the implementation agreement.

Mr. Knippen said that would be covered in the implementation agreement. He said the omnibus agreement does not become effective until there is an implementation agreement. The 90 days would begin once there is an implementation agreement.

Commissioner Schnell asked when there would be an implementation agreement. Mr. Knippen said Attorney Mike Roth is drafting a generic implementation agreement, which will be provided to the municipalities for their specific terms. Mr. Knippen will speak with Mr. Roth about this matter and will let Manager Ginex know when the Village can expect to see the draft agreement.

Commissioner Schnell said water would not be available to people until 90 days after the implementation agreement.

Commissioner Gilbert asked about the terms indicating annexation would not be required for at least ten years. Mr. Knippen said it was an arbitrary figure that was the subject of political negotiation.

John Pieper said he has been asked by residents of the Downers Grove Garden area to speak. He encouraged the Council to move forward expeditiously with the adoption of the intergovernmental agreement in order to move to the next level. With respect to the implementing agreement, he encouraged the Council to involve the residents in the structuring of the agreement.

Mayor Krajewski said the omnibus agreement will be placed on next week's Active Agenda.

Jim Lindberg, 5514 Lomond Avenue in unincorporated Downers Grove, said he appreciated the time the Council has spent looking at this agreement. He said he knows Downers Grove is not responsible for the contaminants in their private wells, but those involved need the cooperation of

the Council. Council members have worked hard on this matter, as have members of the citizens advisory group. He said since 1988 residents have been trying to get a stormwater project done. He said the County has money set aside for storm sewers and suggested this work be done while the roads are ripped up. The County has said Downers Grove must sign off on the permits. Regarding the contamination areas, Mr. Lindberg said the contaminants are migratory. He asked the Council to work on this with a sense of urgency.

Manager Ginex said he asked Jack Bajor, Public Works Director, about the storm sewers. Information will be forwarded to Christopher Burke for their review.

Jack Bajor, Public Works Director, said the County's design indicates that the Village will not have to use their right-of-way for this project, but rather it can be contained within a closed conduit. He asked Christopher Burke to review the data.

Cate Linden, 2150 W. 59th Street in unincorporated Downers Grove, asked the Council to use all expediency in the matter of this agreement and the implementation agreement. She said they have been coming to the Council since October 2001. The agreement between the Water Commission and the County was executed in July. The Water Commission has said unincorporated Downers Grove would be the number one area to be addressed. They were also told they would not be retesting of the wells. The information is there and has been presented. She said there is no need to recreate the wheel. People need safe water.

Mayor Krajewski this item will be voted on next week. He said every other charter member is voting on this.

Mayor Krajewski opened the discussion among the Council regarding the implementation agreement. He said in meetings with residents the issue of annexation has been discussed. A number of communities in DuPage County have annexation as an issue. They want to provide water with annexation. Downers Grove is landlocked. The preannexation agreement was in place years ago. He said the Village is not looking to expand its borders through annexation. Some areas that had annexation agreements have come into the Village. Some areas are slated to be annexed in 2006 and 2008. Some of the concerns of the residents in those areas are increased taxes they would have to pay when they come into Downers Grove. Downers Grove has the lowest tax burden on our residents. People annexing into other communities may find they are paying more taxes. Because the Downers Grove Gardens area is so large, the Mayor said he had discussed with the residents delaying annexation to 2010. It will be a substantial cost to the Village to bring in this area as it will have to be serviced with police, fire and snow plowing. He said he would like to discuss getting water to these residents as soon as possible, the annexation issue and whether to require annexation or charging a differential in the water fee. He said the majority of the houses have water mains. The Village needs to move quickly on the implementation agreement to get those with water mains hooked up to the water. He said it will be necessary to build the infrastructure for 54 homes.

Commissioner Gilbert said he is baffled as to why people would not want to annex into the Village and become part of the community. He said there is a crisis that needs to be resolved. He said he would not want to see an annexation-free implementation agreement. He said this needs to be required. He is satisfied leaving the requirement for annexation at ten years. He suggested that the Council not change the annexation dates on any of the pre-existing agreements. He reiterated the need to act quickly. He said he is concerned with the ability of the staff to implement this. He asked if we have the staff in place to execute this.

The Mayor said the largest area has the mains in place, so it is a matter of the residents having the hook up from their house to the street. The Village has an area of 54 houses where staff is doing engineering and survey work.

Commissioner Gilbert asked if there will be a need to expand staff.

The Mayor said the Village would go out to bid for the engineering services.

Commissioner Zabloudil said he agreed with Commissioner Gilbert that the Village should move forward with the existing preannexation agreements. He agreed that this needs to be acted upon as quickly as possible. In terms of the annexation agreements going forward, he said he was satisfied with the ten-year term. He said he felt it was in the best interest of the Village and the citizens to be part of the Village regarding services and affordable taxes. He asked about conditions related to a change in ownership, particularly with a ten-year, low interest loan and the preannexation agreement.

Enza Petrarca, Village Attorney, said the preannexation agreement is recorded with the property. If the property changes hands, the new owner is asked to sign an acknowledgement and acceptance of the agreement.

In response to Mayor Krajewski, Commissioner Zabloudil said he would like to leave the current agreements with the original dates, but the others would be ten years. He suggested looking at the continuity of the area to determine when they should be annexed.

Commissioner Schnell said it is necessary to work as expeditiously as possible to get water to these areas. She asked what the Village would have to pay the Darien-Woodridge Fire Protection District if these properties are annexed. She asked if this also pertains to those homes where we had existing preannexation agreements.

The Manager said it does. The Mayor said it is a disconnect fee and does not occur until actual annexation.

Commissioner Schnell asked about the monies to disconnect from the Fire Protection District. The Mayor said it would be levied on the property taxes for the whole populous.

Commissioner Schnell said there is a burden on the residents of Downers Grove to annex these properties; however, she said she thinks it is important to have all of Downers Grove as a community. She said the agreements were signed and we should move ahead on those annexations in 2006 and 2008 in a sense of community and a sense of fairness to those who have already annexed to get water.

Commissioner McConnell said she does not want to delay getting water to the residents. She said she felt the Council should consider a differential fee that would allow people to have access to the water without annexing. She said she knows this is a change from the past. She looks at it as cost neutral depending on the fees. She said one does not necessarily have to be a resident of the Village to be part of the Village. She would like to explore the possibility of a non-discriminatory differential fee.

The Mayor said he agrees with Commissioner McConnell. He said he thinks Downers Grove is a great place and people would want to come to Downers Grove; however, if residents do not want to come in, he does not want to force them to do so. He said in 2006 –2008, the Village would

have to hire more police, fire personnel, Public Works staff for snow plowing and forestry, buy more trucks for Public Works, as well as have increased sidewalk costs, etc. It is a substantial cost to the rest of the taxpayers of the Village to bring the unincorporated area into Downers Grove. If annexation is required, it would be necessary to increase the taxes on the rest of the community because the tax revenue from that area would not come close to covering the costs of providing the services provided to the residents. He suggested making annexation voluntary. He said it is important to get water to the people immediately, but the Council will need to have more discussions regarding annexation.

Commissioner Sisul said he would like to understand the benefit of annexation to the Village in light of the costs the Village would be incurring.

Commissioner Zabloudil said it is important to look at the short-term vs. the long-term cost benefit analysis. He said he felt the numbers would speak for themselves. He does not want to force annex people into the Village. He said he does not want to prolong this.

Commissioner Schnell asked if there is a way to move forward with getting the residents water and then work out the issue of annexation.

The Mayor said they can be required to sign the annexation. If they are not required to sign, the Village will never be able to force annex them.

Commissioner Schnell said the decision needs to be made quickly.

The Mayor said it will be necessary to levy an additional tax on the rest of the community in order to have the staff to adequately service that area.

Commissioner Schnell said the area south of 63rd Street was annexed recently. She asked about the history of the agreements and why people were asked to sign preannexation agreements. The Council did not establish a differential fee at that time.

The Mayor said the long-range plan was to have the unincorporated area eventually come into Downers Grove. The circumstances are different 20 years later. It made sense when installing the water mains to put them in the unincorporated areas as well.

Commissioner McConnell asked for a further analysis of the start up costs as well as the on-going costs as to what the revenue estimates might be.

Mayor Krajewski asked for comments from the public.

Liz Chaplin, 5623 Pershing Avenue, said Downers Grove is a nice place. Some people like the feel and setting in the unincorporated Downers Grove. She said she liked the suggestion of making the annexation agreement available for those that want it to see if there are enough properties to annex in 2012. They felt annexation was being held over their heads in order to get safe water.

The Mayor said the annexation agreements were put in place 20 years ago when there was no water contamination. The Council was not trying to put anything new in place that was not there prior to the contamination. Ms. Chaplin agreed.

The Mayor said it would be difficult to provide services if annexation were spotty. He said this matter would be discussed at another Workshop.

Beth Warnecke, 5825 Lee Avenue unincorporated Downers Grove, said this is a public health issue. She thanked the Council for their work. She agreed that Downers Grove is a great community. People participate in the community and feel they are residents of the Village. She said it would be helpful to clearly tell people what they would get upon annexation.

The Mayor said a meeting was held to explain incorporation and services including sidewalks, forestry, and park district as well as the transition regarding Code Services and permitting. He said approximately 50 people attended this meeting.

Scott Koehlinger, 5750 S. Woodward, said he enjoys being in the Downers Grove area. He asked about fire protection services. The Mayor said the Village would take over fire protection. It would be less expensive to the resident, but more expensive to the Village. The Village's property taxes pay 16% of the fire and police budget. The Village relies on outside revenue sources, not just property taxes, to pay for our Fire Department. The Fire Protection Districts have their budgets established on the basis of their population. Therefore, if the Districts shrink due to annexations to municipalities, the State requires that the annexing Village pay 100% of the first year's costs for the loss to the Fire Protection District and then pay on a graduated basis for subsequent years.

In response to Mr. Koehlinger, the Mayor said no money comes back from the County if a property is annexed. Further, Mayor Krajewski said the costs for curbs, gutters, and streetlights come from the general fund. The Village does not tax the residents on a particular street separately.

Mayor Krajewski asked staff to send the Frequently Asked Questions information sheet to the 800 residents in the Downers Grove Gardens area.

The Mayor said the implementation agreement will be discussed soon.

Steve Dimpfl, 5509 Lomond Avenue, said he likes to think of the people in the unincorporated areas as independent people. He said he has lived in his house 24 years. He makes all his purchases in Downers Grove. He is not asking for anything but clean water. He pays nonresident fees for the Library and Park District. He said he enjoys Downers Grove.

Commissioner Gilbert said the infrastructure that created the water system was paid for and put in by all the people who are residents of Downers Grove. The recently built water tower, the Police and Fire Departments, grounds keeping, etc. are paid for by the residents. He said it seems unfair to him to change the rules in a crisis. He understands this is a crisis and people need to get water, but there is no reason to change the rules. In the past, everyone who has gotten water from Downers Grove has had to annex to the Village. He said it seems unfair and unreasonable to not have an annexation agreement as we move forward.

Mayor Krajewski said they will have to pay water connection fees, which pays the cost of the infrastructure.

Commissioner Gilbert said it is appropriate and proper to expect the people being helped to join us in our community and to help us grow the community and continue on.

Cate Linden, 2150 W. 59th Street, said maps show that the Village would not have been able to force annex properties in 2006 because there were not enough people that had signed preannexation agreements. A number of preannexation agreements were signed under duress in the last year by people who wanted to get safe water. She said she thinks people understand there is a ten-year annexation clause in the agreement.

The Mayor said there are some small areas that could be force annexed, and there is a trend toward teardowns and new houses on big lots where the owners are hooking up to Lake Michigan water. If that trend were to continue, there may be a larger area that would be contiguous and could be forced annexed.

2. **Zoning Commission Recommendations: Miscellaneous Text Amendments.** The Manager asked Amanda Browne to discuss this matter.

Amanda Browne, Planner, said the Zoning Commission forwarded a unanimous recommendation regarding text amendments in Parts A and C of this case. Staff withdrew part B in order to allow further investigation of that particular text amendment. Parts A and C are text amendments for clarification purposes to correct scrivener's errors.

3. **Zoning Board of Appeals Recommendation: Case C-5-02 Special Use for an Automobile Repair Facility.** Ms. Browne said the subject site is on Warren and Washington. The Zoning Board of Appeals unanimously recommended approval of the requested amendment to a pre-existing special use to make additions and improvements to the existing automobile repair business. The petitioners propose to construct an addition to the automobile repair facility located at the northeast corner of Warren and Washington. It has been an automobile repair facility since the 1950s. The improvements include a significant building addition, as well as a complete façade renovation to the existing portion of the building, improvements to the parking lot and the driveway access as well as the existing curb cuts on both Warren and Washington, and to add landscaped green space areas to the site totaling approximately 21% of the total site area. The site is currently void of green space. The Zoning Board of Appeals was of the opinion that the special use was in conformance with the applicable regulations regarding special uses. They felt the proposed additions and renovations would not only improve the site, but would be an asset to the entire downtown area.

Commissioner Zabloudil said he was at meeting where this was discussed. He feels this will be an asset to the community to change this corner. It is a great plan and will finish off the corner.

4. **Flag Lot Amendments**. Ms. Browne said the recommendations from the Plan Commission regarding flag lots were presented at the August 27 Workshop. The moratorium expires in October. A draft ordinance has been prepared for the Council's consideration.

The Plan Commission, by a vote of 4:3 with two members absent, recommended that the Council lift the moratorium regarding flag lots and continue to allow this type of land division with the following conditions: 1) an increase to require the minimum lot size of the parent parcel being considered to be divided into a flag lot to be 100 feet wide by 400 feet deep, and that the parent parcel must be a lot of record as of the date of the amendment to the Ordinance to preclude accumulation of side-by-side lots; 2) that the current setback requirements should remain the same; and 3) that landscaping screening should be required on the two resulting lots to screen

them from each other. The landscape plan is to be reviewed and approved by the Village Forester.

The Mayor said this was Workshopped recently. He invited the Plan Commission members in attendance to speak.

George Nicholaou, 4845 Highland Avenue, said he is a member of the Plan Commission. He was unable to attend the last meeting. He said this matter was discussed seriously and openly. He said he felt flag lots were in good shape. He said the Council has been driving the force of increasing the economic housing element of the community. The public is demanding this. He said one needs a reason to be against something. Flag lots comprise a small percentage of this community. It is difficult to find the flag lots. Those that can be developed are in the peripheral areas of the community.

Catherine Reynolds, 5534 Plymouth, said she is also a member of the Plan Commission. If Council members do not like flag lots, she asked them to tell the Commission why and to show them the lots. She said you have to look carefully to find the flag lots. She said she does not see that there is a problem in terms of density.

Mayor Krajewski said the Plan Commission did an outstanding job of researching this matter.

Commissioner Sisul said he was proud of his association with the Plan Commission.

Commissioner McConnell asked if dividing the lots in question would be an exception under the ordinance regardless of whether it would be as flag lots or a lot split, and would they have to go through the Plan Commission and the Council. Ms. Browne said that was correct.

Commissioner McConnell addressed fire safety. She said she understands it takes the Fire Department longer to get to a back lot but is able to take provide for them with the current equipment. The Manager said that was correct.

5. **Metra Agreement.** The Mayor said Metra sent the Village a copy of the agreement. IDOT and Metra attorneys have a few issues to address. This will be on the next Workshop agenda.

6. **Civic Center Stairs Report**. The Manager asked Mike Baker to address this item.

Mike Baker, Assistant to the Village Manager, said at the September 3 Public Services Committee meeting options for improving the stairway conditions were discussed. Mr. Hultman first brought this matter forward in June by a report submitted by Peter Hultman and Andrew Clark. The report assessed the conditions of the stairs and alleged that there were 187 code violations present. In reviewing the report, staff determined there were no specific and measurable code violations; however, according to the Property Maintenance Code the Village is obligated to ensure that the facility remains free from hazardous conditions.

Mr. Baker outlined the alternatives for improving the stairway conditions:

1. Mud-jack the existing lower-level stairways. Estimates range from $1,000 to $2,500.00. Mud-jacking is a process by which small holes are bored into the concrete slab and a concrete compound is injected through the holes, raising the slab to improve some of the riser height variation and pitch. This cannot correct for all the imperfections in the stairs,

but it does have several benefits in terms of cost and the immediacy with which it can be completed.

Options B, C, and D discuss various means of replacement of the stairs. Option B is the most comprehensive would replace all the stairs including the two smaller stairways that lead directly into the Council Chambers. The estimated cost was $106,000.00 with removal and construction of the stairs. Option C replaces the four lower stairways at an estimate cost of $84,000.00. In Option D the two easternmost and westernmost lower stairs would be removed and consolidated into a central stairway leading up to the Village Hall. The cost of that replacement alternative is approximately $7,000.00. The fifth option, E, would be to take no action given that fact that there were no measurable violations of the Code.

Mr. Baker said that Risk Manager Dennis Burke met with an attorney regarding the Village's legal liability in this matter. The attorney, Gary Lynn, felt the Village could defend against accident claims and would avoid legal liability by making minor improvements short of full replacements. He felt the mud-jacking alternative would suffice to avoid legal liability. It was also his recommendation to remove the "Uneven Stairs" signs as this is only one potentially hazardous condition and there may be others. By not listing every specific condition the Village is putting itself at some risk. Upon his recommendation, the signs have been removed.

Commissioner Schnell said when this was discussed at the Public Service Committee one of the benefits of mud-jacking was that it could be done immediately and could alleviate some of the concerns and problems, and was cost-effective. Replacement of even one of the stairways could not be done until the end of the winter at the earliest due to engineering, demolition, etc. It was felt that the concerns with the existing stairways could not be addressed this year unless the mud-jacking was done. By doing the mud-jacking now, they could see if the stairs were corrected and safer. They could then review the matter when next year's budget is discussed and, if necessary, consider any replacements at that time.

Commissioner McConnell said she feels the mud-jacking makes the most sense. She suggested addressing this during the budget cycle. She said she feels it will be a few years before any decision is made about the Village Hall and to keep this in mind as the matter of the stairs is considered in the budget.

Commissioner Gilbert agreed with Commissioner McConnell.

STANDING COMMITTEE REPORTS

There were no reports.

ATTORNEY'S REPORT

Attorney Petrarca said she was presenting four items: 1) A resolution authorizing execution of an intergovernmental agreement for the provision of Lake Michigan Water to areas of DuPage County affected by contamination; 2) An ordinance making certain text amendments to the Downers Grove Zoning Ordinance; 3) An ordinance authorizing special use at Automotive Services, 844 Warren Avenue, to permit an addition to the existing structure; and 4) An ordinance amending flag lot provisions.

The Mayor asked the Manager to contact Greg Wilcox at DuPage County to discuss the implementation agreement. He suggested a 10-12 year time frame for annexation or an increase

in fees. The Manager said they are missing grant information from the State regarding the cost for the infrastructure for the water mains for the 54 houses without water mains and how that will impact the agreement.

COUNCIL MEMBERS

Commissioner Zabloudil congratulated the Downers Grove North High School Band. He said the band was invited with 40 other schools to the University of Illinois to participate in the halftime show. It was an outstanding performance.

Commissioner Gilbert addressed the Council from the podium. He said it was almost eight years ago that he was sworn into office as a Commissioner. He announced that he would not be a candidate for reelection this spring. He said he has tried to avoid being political during his tenure. He said he was announcing his intentions in order to allow the widest possible field of candidates. It is important that the citizens get the best candidates to choose from. Waiting to announce would only hurt that process.

Commissioner Gilbert said being a Commissioner is a tough job that requires devotion to the town, a commitment to honesty, integrity and selflessness. It requires a level of persistence and tenacity that is hard to find. There are serious issues and it requires serious people who can look beyond what they personally want and look out for what is best for the community. He said he hoped he would be remembered for doing that. He said he has happily served the community for more than 25 years. It has been an honor and a privilege to do so. He said he admires the willingness of the many members of the Boards and Commissions to give their time and talent. Without them the job of the Council would be almost impossible. He thanked those who provided him with their guidance and opinions on the issues that have come before the Council. To serve with the members of this Council as well as past Councils has been an honor. He has maintained a position that it is better to control our growth and development than to leave it to chance or the will of developers. He said we have started something in Downers Grove and it is not likely to get stopped. The careful planning, intense research, input from citizens and the steady hand of the staff and Councils over the past eight years are leading Downers Grove into a new era. There are those who wish it would remain the same with no in-fill, redevelopment or change in general, but it is inevitable. We have an obligation to our children and the citizens in the future to guide it properly. The fire was already lit and we have been tending it all along. The exciting new projects are the legacy of what we leave to the next generation, but in a more certain sense this is left to the next Council.

He said it is his sincere hope that everyone continues to challenge the future and control our destiny by way of proactive development. Look ahead and find the opportunities of the future and force your views into opportunities and speak them loudly.

Commissioner Gilbert said the council/manager form of government is the only logical form of government in today's world. Managing the operations of a Village this size takes strength and commitment that few possess. He said he has had the opportunity to work with several managers, each with their own style and personality. He accepts with respect the statutory rights and responsibilities that come with that job, but it is the duty of every member of the Council to watch, listen and question the decisions that the Manager makes. The council/manager form of government does not preclude Council involvement. Therein lies the safeguard to the democratic process. There is a responsibility of each Council member to pay attention to the details of the operation of the Village. It is, however, not their job to interfere, but rather to

question the Manager and let your collective views be known frequently and clearly. Pay attention to staff and listen to their concerns.

Commissioner Gilbert said he watched and vigorously supported the expansion of the Council to seven people. It has been a good thing. There is now a way to build consensus and to interact with each other for the good of the community.

Commissioner Gilbert said one of his greatest loves was and remains the Fire Department. He served the Village for 17 years as a volunteer firefighter. He said perhaps he was hardest on them and held them to a very high standard. The fire service is one of the most noble professions and worthy of only the finest and highest integrity. It is his hope that integrity and respect will drive the future of our Fire Department and as well as all Village departments.

Regarding the fiscal state of the Village, Commissioner Gilbert said the Village is truly blessed. The Village has enjoyed the fruits of frugal Councils of the past for many years. The groundwork was set up long ago. The Councils with which he has served have acknowledged that effort every year. Downers Grove has one of the lowest tax levies in the County. He said to keep in mind how we got here and not to accept the simplicity of raising taxes. Look carefully at what services should and should not be government responsibility. Make our expenses meet our revenues, not the other way around.

Commissioner Gilbert thanked the Council. He said serving the Council has been his pleasure. He looks forward to working with the Council for the next several months. He said he expects to continue to serve in some capacity. He said it has been a terrific experience. He is glad to have had a part in shaping the future.

He thanked his wife for her unwavering support and to his children for their understanding. He thanked the citizens for the opportunity to serve them.

Commissioner Sisul asked to address the Council as well. He said the time comes when one must decide whether to continue to proceed on the Council. He has prepared a statement and has provided a copy to the press. He said he enjoyed listening to Commissioner Gilbert's statement. It has been a pleasure to work with Commissioner Gilbert.

Commissioner Sisul thanked his family for their support. He has served ten years. He said he is not running in this election. It was a good decision to run last time.

Commissioner Sisul said at the annual Chamber of Commerce luncheon today Greg Volk said a new campaign is being started on the tradition of heritage and progress. He said this is the key to our community. Commissioner Sisul said he has a lot of respect for the people on this Council. Two years ago no one saw all of the changes that would occur in the next two years. In the last year 40% of our directors have been replaced. A tremendous restructuring has taken place in the Village in the last two years. This has put a tremendous burden on the Commissioners. It is fortunate that the Village has the blend of heritage and tradition on the Council.

Commissioner Sisul said the Village has been going through the natural progression in a community. A community builds and tries to keep where it is, however, time does not stop. If you take the position that you want to keep things where they are, you don't always see you are on the downhill movement. Things need to be changed and redeveloped. The Village is in a position where it is rebuilding again. This is a natural progression and happens in most communities. The solutions of the past cannot be applied to today's problems. Very often the

solutions of the past are today's problems. This generation has to address new solutions to today's problems.

Commissioner Sisul said he admires the work this Council has done. They work together very well. Successful development depends upon the mix of tradition and progress. He said he is looking forward to the next election. He said it is time for him to step down. He wished the Council the best of luck.

Mayor Krajewski thanked Commissioners Gilbert and Sisul for their many years of hard work and their vision. He said they established the foundation for building. He thanked Commissioner Sisul as Mayor Pro Tem for helping to groom and train new Council members. The thanked both Commissioners for all they've done for Downers Grove through their work, vision and spirit. He said it is gratifying to see the fruition of the hard work. He said there will be two hard chairs to fill.

Commissioner Schnell said she has had the honor of serving with both Commissioner Sisul and Gilbert. Discussions have created better decision. She thanked them for their time and effort on behalf of the community. She also thanked their families and acknowledged the burden on them. She said she will miss them.

Commissioner McConnell offered her thanks and said she will miss both of the Commissioners. She said she has learned much from them.

Commissioner McConnell thanked Mayor Krajewski for working as a facilitator in the issues with District 99.

Mayor Krajewski said he was glad District School Board and teachers worked out their differences. He said the parents deserve compliments for getting both sides back to the bargaining table without taking sides.

Mayor Krajewski said the Chamber of Commerce had their annual luncheon meeting today. He congratulated Tom Julian on his two years as Chamber president. He said he did a good job of encouraging partnering with the Village, Park District and school districts. The Leadership Academy with District 99 was a big accomplishment. He wished Phil Cullen good luck as the new president of the Board of Directors of the Chamber of Commerce. He announced the other board members and thanked the Chamber for their efforts in helping Downers Grove.

Mayor Krajewski congratulated the Girl Scouts of DuPage on their new office in Lisle. It is 15,000 square feet. The facility serves 19,500 girl scouts in DuPage County. One of every four girls in DuPage is in the girl scouts program. He wished them good luck in the future.

There being no further discussion, the Workshop meeting was adjourned at 8:43 p.m.

April K. Holden
Village Clerk