

MINUTES OF WORKSHOP MEETING

DOWNERS GROVE, ILLINOIS

JULY 8, 2003

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, Sue McConnell, Mark Zabloudil, Ron Sandack, Stan Urban; Village Manager Riccardo Ginex; Staff Attorney Ann Marie Perez; Village Clerk April Holden

Absent: Commissioner Martin Tully; Village Attorney Enza Petrarca

Visitors: **Press:** Kevin Stahr, Downers Grove Reporter; Kris Owens, Downers Grove Sun
Residents: Carolyn Mitrius, 5704 Pershing; Liz Chaplin, 5623 Pershing; Glen and Rhonda Doornbosch, 6231 Springside; Marilyn C. Rigney, 6243 Springside; Mike Kubes, 5538 Lyman; Bruce Beckman, 4629 Middaugh; Ruby B. Graves, 2407 Inverness; Cheryl Graves, 2400 Inverness; Nathaniel K. & Jo C. Hunt, 4819 Pershing; Richard & Rosemary Flor, 1952 63rd Street; Ann Muniz, 5617 Pershing; ME Murphy, 5824 Lee; Guy "Red" Brownson, 5904 Downers Drive; Andrew Clark, 1226 62nd Street; Judy Sidrys, 5223 Lee; Christine Fregeau, 1918 Elmore; Peter Hultman, 5300 Walnut; Beth Warnecke, 5825 Lee; Paul Fromer, 5429 Lee

Staff: Fire Chief Phil Ruscetti; Deputy Fire Chief Bob Tutko; Deputy Fire Chief Jim Jackson; Dorin Fera, Traffic Manager; Mike Millette, Assistant Director, Public Works; Jack Bajor, Director, Public Works; Dave Van Vooren, Deputy Village Manager

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

Village Manager Rick Ginex said he removed item 7, Resolution Recognizing Debts Associated with the CBD Tax Increment District, from the agenda as it is being referred to the Finance Committee.

1. Bids:

- a. **Authorization to Purchase Cardiac Monitor Defibrillators for the Fire Department.**

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Bob Tutko, Deputy Fire Chief, said the Fire Department is seeking authorization to purchase Bi-Phasic Cardiac Monitor/Defibrillators. Following field testing and research, Deputy Chief Tutko said he is recommending the Zoll M-Series, Bi Phasic Cardiac Monitor Defibrillator. This will be a joint purchase among the Fire Departments of Downers Grove, Hinsdale, and Oak Brook and will provide a substantial discount. Each department will be responsible for their own purchase and finance arrangements. Deputy Village Manager Dave Van Vooren is working out the financing details for the Village.

Mayor Krajewski asked about the total cost of the purchase.

Deputy Chief Tutko said it is \$99,975 over five years. For FY 2003/04 the cost is \$27,590 without the discount; \$19,995 with the discount.

Commissioner Urban asked about selling units to the St. Charles Fire Department.

Deputy Chief Tutko said St. Charles has expressed an interest in three Physio Control Cardiac Monitors at a cost of \$6,500 per unit. Selling the three monitors would essentially cover the first year's cost of the new monitors.

Deputy Village Manager Dave Van Vooren said the Village would finance the balance of the purchases.

The Manager said the next three items relate to the MFT funds and roadway maintenance program.

- b. **2003 Crack Seal, Project #09-03.** The Manager said only one bid was received. It was from SKC Construction, Inc. in the amount of \$186,258.84 plus 5% contingency. They have performed as a subcontractor in the past.
- c. **2003 Resurfacing, Project #01-03.** The Manager said staff recommends awarding this bid to Harry W. Kuhn, Inc. in the amount of \$965,461.25 plus 5% contingency.

Mayor Krajewski said the bids came in \$140,000 under the MFT funding. He asked that a list of priorities including roads, curbs and gutters, and sidewalks be established to determine other projects that can be accomplished.

Commissioner Schnell said she has a concern with Kuhn and the use of subcontractors. She wants to be sure Kuhn is not subcontracting work out.

Mayor Krajewski referenced an incident on Fairview involving Kuhn and problems involving barricades.

Staff Attorney Ann Marie Perez said Kuhn was slow in returning phone calls.

The Mayor directed staff to check with various Village departments before awarding the contract.

Commissioner McConnell suggested written performance expectations or a guarantee to address these concerns.

Mike Millette, Assistant Director, Public Works, said this contract would be different from the Fairview contract. The work on Fairview was a contract between Kuhn and the State of Illinois.

This one would be between the Village and Kuhn. The Village could hold payments if there are problems.

Commissioner Zabloudil asked why Harry W. Kuhn is on the bid list if the Village has experienced problems with the company.

Mr. Millette said that any contractor presents problems. Commissioner Zabloudil said he can appreciate that the Village has to balance this and consider many factors.

In regard to slurry seal, the Mayor said some companies are not IDOT certified.

- d. **Letter of Agreement for Geotechnical Engineering Services for 2003 Resurfacing Project and 2003 Crack Seal Project.** The Manager said the Claude H. Hurley Company has submitted a proposal to perform geotechnical services and material testing for the 2003 resurfacing and 2003 crack seal projects. He said the Village and Hurley have an approved annual master agreement in place. The unit prices in the master agreement are used to determine total estimated cost for work on individual proposals.

The Manager said services include inspection of base course, concrete ready-mix plants and asphalt supply plants as well as testing and evaluation of design mixes and materials, field and laboratory testing and inspection of production concrete, asphalt and crack seal, and other materials and procedures as required. The total cost is not to exceed \$20,279.60.

2. **Intergovernmental Agreement between the Villages of Clarendon Hills, Downers Grove, Oak Brook and Westmont for a Fire Department Communications Network.** The Manager said this is a replacement of an agreement entered into last July. Oak Brook was not a part of the old agreement, but now wants to join in the agreement at this time. The agreement provides for the inclusion of one more member for a total of four members. Oak Brook will be required to contribute \$5,000 to the network, as did the Downers Grove last year. The Village will receive \$3,267 to pay Oak Brook's share of equipment that had to be purchased and installed. Other than the inclusion of Oak Brook, the terms of the agreement will remain substantially the same as the present agreement.
3. **Trees/Shrubs Chapter 24.** The Manager said this will clarify usage and add defining language in several sections. The changes more fully describe pruning requirements for Village trees and shrubs, and also define the list of users to include "entities." Further, staff is proposing these changes to avoid any possible conflicts or omissions with other cited Code sections in light of recent changes to Chapter 19.

The Manager said he would discuss items 4 and 5 together.

4. **Intergovernmental Agreement with Park District.**
5. **Citations for Offenses on Park District Property.**

The Manager said the intergovernmental agreement is an extension of an agreement in place for 25 years between the Village and the Park District. The old agreement expired May 8, 2003. The new agreement formalizes the duties of each party and provides the Police Department the ability to write tickets in lieu of prosecution as provide in Section 1-16 of the Municipal Code which will allow most violators to pay their fines without the need for a court appearance.

As compensation for our police and prosecution services, this agreement allows the Village to keep all fines received from the issuance of tickets on Park District property. Prosecutions will be at the Downers Grove field court level. Appeals will be the responsibility of the Park District. This matter will be on the July 17, 2003 Park District's agenda.

With respect to the number of violations, the Manager said five Village violations were written from May to November 2002, and two disorderly violations have been issued this year. This ordinance will be a tool for officers to allow them to write tickets on the scene.

Commissioner McConnell asked how the parks are currently patrolled.

The Manager said that, as a part of their patrol beat, officers will circle through or walk through a park. This does not involve the allocation of hours upon hours of time. The Park District hires officers for McCollum Park, as necessary.

The Mayor asked that a report be provided to the Council regarding skateboard violations. He asked about the number of tickets issued, fines paid and repeat offenders.

6. **Authorization to Sell 2003 TIF Bonds.** The Manager asked Dave Van Vooren to address this item.

Dave Van Vooren, Deputy Village Manager, said he is requesting authority to engage the services of a financial advisor and bond counsel for the 2003 TIF bonds for the parking deck and associated redevelopment activities for the CBD. Once the bonds are purchased, the Village will need to close the transaction within 90 days. Mr. Van Vooren said Northern Trust has served as our financial advisor in the past and Chapman Cutler has been our bond counsel. Mr. Van Vooren said he anticipates the amount of the bond to be between \$11 million and \$12 million. He said it is in the best interest of the Village to take advantage of the present interest rate market and size the 2003 TIF bonds to wrap in all anticipated costs for the deck as well as funds to address the scheduled CDB redevelopment projects anticipated in the 03-04 budget. He said staff would come before Council at the time of the closing with the amount and specifics regarding the funding being requested. The financial advisor assists in sizing, marketing and bidding issues.

Mr. Van Vooren said the Village's bond rating may be raised a notch by Standard & Poor's. He said these would be 16-17 year bonds and would flow for the balance of the TIF. He is looking to structure the total TIF debt so revenue may more closely meet expenses.

The Mayor asked about going through the bid process for a financial advisor.

Mr. Van Vooren said there is a limited timetable as it relates to the Village's ability to pay Turner, the contractor for the parking deck. Mr. Van Vooren said he anticipates Northern Trust's costs to be \$15,000 to \$18,000. He noted that the Village has a long-standing relationship with Northern Trust.

Commissioner Schnell asked what the TIF will generate in revenue this year.

Mr. Van Vooren said it was \$485,000 this year. It is a function of the equalized assessed valuation (EAV) growth in the TIF. The majority of the landbank property should come on next year and the increment will go up accordingly. He said next year it may be in the \$750,000 to \$800,000 range of incremental revenue from the TIF. He has \$1 million on the books for the TIF debt. Mr. Van Vooren said the Friedman study estimated a surplus generated in the middle years

of the TIF. The key to paying the debt is the redevelopment of the Curtiss block. He hopes to realize some savings by refinancing some of the 1999 or 2000 bonds, and by moving some of the principal payments back a little when the increment becomes more of an assistance in the payment of those debts.

Commissioner Sandack reiterated that Mr. Ambrose and Northern Trust would be providing two functions: 1) with Turner and the short-term CBD projects, and 2) refinance outstanding debt. He noted that Northern Trust was involved in the previous bond issuances and have all the transcripts and records as does Chapman and Cutler. In response to the Mayor's question, Commissioner Sandack said that although there may be time to put this out to bid, a new financial advisor would have to catch up. Mr. Ambrose knows the previous bond issuances and the history of the projects.

The Mayor said it will probably be eight months before the Village knows what the Curtiss block will look like. He added that the Gammonley building should be on board by next year. He asked the status of the RFQ for the Curtiss block. The Manager said Joe Skach, Director, Planning and Community Development, is in the final stages of finishing it.

Mr. Van Vooren said there will be a 45 to 60 day window for responses. There are a number of interested parties.

Commissioner Zabloudil suggested staff get an idea of fee structures from others. Regarding refinancing, he suggested looking at the debt structure to match load to revenues. He further suggested taking advantage of lower interest rates now and then look at the possibility of refinancing again.

Commissioner McConnell cautioned about adding to the debt as it relates to associated costs. She said although it is important to move as quickly as possible on the Curtiss block, she would like to see the RFQ before it goes out.

Commissioner Zabloudil clarified that the additional debt would be in the range of several thousand dollars, not millions.

Mr. Van Vooren said the 2003 TIF would be funding for the parking deck and Curtiss. It would not include funds for Washington Street. He asked if the Council was requesting a second proposal for the financial advising services. Commissioner Zabloudil asked him to get information on costs.

7. **Resolution Recognizing Debts Associated with the CBD Tax Increment District.** The Manager said this would be referred to the Finance Committee.

The Manager said he was presenting the next two items together.

8. **Agreement between Village, DuPage County and Certain Participating Companies.**
9. **Policies Regarding Procedures for Providing Water Service.**

The Manager said he is happy to bring this forward. The agreement establishes the terms and conditions whereby funds borrowed by the Village from the DuPage County Water Commission pursuant to the implementing agreement previously entered into with the Water Commission will be used to pay for the costs associated with the construction of the improvements necessary to provide water service to the areas of DuPage County affected by the contamination. The Water

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Commission has agreed to loan the Village the money to construct water mains, B-boxes and all the necessary appurtenances. The Potential Responsible Parties (PRPs) have agreed to pay back the loan on the Village's behalf. The PRPs will reimburse the Village for all costs associated with the hook-ups, up to \$4.275 million, except for the \$2,000 Village connection fee. If the costs exceed \$4.275 million, the County has agreed to cover the additional expenses, up to an additional \$400,000. The residents will have the option of paying the Village connection fee in one lump sum or paying equal installments, interest free, over a ten-year period.

Mr. Ginex said this was passed by the DuPage County Board today.

The amended Village Council policy will no longer require the execution of an annexation agreement, but will require execution of a water service agreement. Those entering into this agreement will agree to pay all applicable fees. The new policy will cover the primary service area including Downers Grove Gardens, Belmont Park, North Belmont Park and Maple Hill. This is contingent upon the County and PRPs signing the agreement. Mr. Ginex said the PRPs have until Friday to sign the agreement.

Mr. Ginex thanked US Representative Judy Biggert, the IEPA, the USEPA, State Representative Patti Bellock, State Senator Kirk Dillard, the DuPage Water Commission, DuPage County, the PRPs, the citizens, the Village Council and Village staff including Enza Petrarca, Dave Van Vooren and Jack Bajor.

Commissioner Schnell said she is happy the Council will be voting on this. She is happy people will be getting clean water.

Mayor Krajewski said it took time for the IEPA and USEPA to work with the PRPs.

Deputy Village Manager Dave Van Vooren said the current policy will remain in place requiring preannexation agreements for unaffected TCE parcels.

Guy Brownson, 5904 Downers Drive, asked if annexation will be required upon sale of the residence.

The Mayor said it may be required by State law. The Village will not require this at this time, although another Council may decide differently.

Marilyn Rigney, 6243 Springside, asked about the water connection charge.

Mr. Ginex said it is \$2,000.

Ms. Rigney said she paid \$2,945. She asked if she will be reimbursed for the difference.

Mr. Ginex said he thinks the amount she paid included a number of other fees such as meter inspection, water tap fees, etc. In the contaminated areas, the PRPs will pay those additional fees.

Ms. Rigney said she hooked up to the Village water in 1999. Mr. Ginex said she would not be reimbursed.

Beth Warnecke, 5825 Lee, asked what the connection fee is based on.

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Mr. Ginex said every individual pays it. It is for water services, employees, maintenance on the system, infrastructure, etc.

Ms. Warnecke asked when the hook-ups would begin. Mr. Ginex said he was told the County will meet with the residents as soon as possible. R. Cleveland U.G. Technologies Corporation will do the connections and Meadow will do the well split. Mr. Ginex advised those with questions to call Kevin Buoy at DuPage County at 985-7400.

Glen Doornbosch, 6231 Springside, said he hooked up to the Village's water in 1996. He has a contaminated well and is being charged to keep it open. He said he is being penalized for hooking up early and asked about provisions for reimbursement.

Mr. Ginex said he would not be reimbursed.

The Mayor said the Village is not paying any of these expenses. He advised Mr. Doornbosch to call the County.

Paul Fromer, 5429 Lee, asked about the eastern boundary.

Mr. Ginex said the four areas are: Downers Grove Gardens, Belmont Park, North Belmont Park and Maple Hill.

The Mayor suggested Mr. Fromer contact the County for more specific information.

Beth Warnecke, 5825 Lee, said she was concerned as to how the hook-ups will be made as her septic system is in the front of her property and her well is in the back. She asked if a variance would be required.

Mr. Ginex said the County will be doing the work. This would not require a variance from the Village as it is in an unincorporated area of DuPage County.

The Mayor asked for a motion to waive the one-week waiting period to consider new business.

Commissioner Schnell moved to waive the one-week waiting period to consider new business. Commissioner McConnell seconded.

VOTE: AYES: Commissioner Schnell, McConnell, Urban, Sandack, Zabloudil, Mayor Krajewski

NAYS: None

The Mayor declared the motion carried.

**A RESOLUTION AUTHORIZING AGREEMENT AMONG THE
VILLAGE OF DOWNERS GROVE, DUPAGE COUNTY
AND CERTAIN PARTICIPATING COMPANIES**

RESOLUTION 2003-61

DRAFT

This will authorize an agreement between the Village of Downers Grove, the County of DuPage and certain participating companies for the implementation of water service to areas of DuPage County.

Commissioner McConnell moved to adopt a resolution authorizing an agreement among the Village of Downers Grove, DuPage County and certain participating companies, as presented. Commissioner Schnell seconded.

VOTE: AYES: Commissioner McConnell, Schnell, Urban, Sandack, Zabloudil, Mayor Krajewski

NAYS: None

The Mayor declared the motion carried.

The Mayor asked for a motion to waive the one-week waiting period to consider new business.

Commissioner Schnell moved to waive the one-week waiting period to consider new business. Commissioner Urban seconded.

VOTE: AYES: Commissioner Schnell, Urban, Sandack, Zabloudil, McConnell, Mayor Krajewski

NAYS: None

The Mayor declared the motion carried.

AN ORDINANCE ESTABLISHING PROCEDURES FOR PROVIDING WATER SERVICE TO AREAS LOCATED IN UNINCORPORATED DUPAGE COUNTY

ORDINANCE NO. 4525

This will create a Village Council Policy on providing water service within the territories of Downers Grove Gardens, Belmont Park and Maple Hill and other areas of unincorporated DuPage County.

Commissioner Schnell moved to adopt an ordinance establishing procedures for providing water service to areas located in unincorporated DuPage County. Commissioner McConnell seconded.

VOTE: AYES: Commissioner Schnell, McConnell, Urban, Sandack, Zabloudil, Mayor Krajewski

NAYS: None

The Mayor declared the motion carried.

STANDING COMMITTEE REPORTS

Public Safety Committee

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Commissioner McConnell said the Public Safety Committee will meet on July 15, 2003 at 7:30 a.m. The agenda includes a review of the CAD system.

Public Services Committee

Commissioner Schnell said the Public Services Committee will meet at the end of the month.

MANAGER'S REPORT

The Manager said *West Suburban Living* magazine has a beautiful article about the Village. On another matter, he said starting July 17, the *Village Corner* will be published in *The Sun Downers Grove*. He said the paper is circulated to 22,000 households in Downers Grove.

ATTORNEY'S REPORT

Staff Attorney Ann Marie Perez said she was presenting four items to the Council: 1) A resolution authorizing execution of an intergovernmental agreement between the Villages of Clarendon Hills, Downers Grove, Oak Brook and Westmont for a Fire Department Communications Network; 2) An ordinance adopting three pruning standards; 3) A resolution authorizing execution of an intergovernmental agreement between the Village of Downers Grove and the Downers Grove Park District; and 4) An ordinance amending citations and settlement in lieu of prosecutions for certain offenses on Park District property.

COUNCIL MEMBERS

Commissioner Zabloudil congratulated and thanked the Tourism and Events staff for the 4th of July parade.

Commissioner Sandack agreed with Commissioner Zabloudil. In addition, he said he attended the awards ceremony for the Police Department. He said it was amazing to listen to all the police officers and some civilians that have done incredible acts of valor that save people's lives and do things beyond the call of duty. It was a very humbling experience to watch and listen and witness some of the things our police officers do routinely. He said he feels fortunate that the Village has such a great and dedicated police department.

The Mayor said the ceremony was taped and will be rebroadcast.

Commissioner Schnell said it was a great fireworks display. Additionally, she said there are areas that do not receive *The Sun* and asked that the phone number be put on the Village's web page.

Commissioner Urban said he was unable to attend the parade but heard great things about it. He said the fireworks were the finest he's ever seen.

Commissioner McConnell extended her thanks for the parade and firework festivities. She said she also attended the awards ceremony for the Police Department. She said Police, Fire and Public Works Departments are the unsung heroes.

The Mayor agreed with the Commissioners and thanked staff for the 4th of July festivities. He said it is trying to put on a parade following the Heritage Festival.

VISITORS

Beth Warnecke, 5825 Lee, asked about the Governor's Home Town Award.

The Mayor said the award was given in recognition of a community effort, headed by the Kiwanis and the Chamber of Commerce, to raise money to do bone marrow testing. More than \$22,000 was raised, and more than 1,000 people were tested. Three matches were found and all the testing went to the National Testing Center. There were 787 volunteers involved in the effort.

There being no further discussion, the Workshop meeting was adjourned at 7:30 p.m.

April K. Holden
Village Clerk