

MINUTES OF WORKSHOP MEETING

DOWNERS GROVE, ILLINOIS

FEBRUARY 10, 2004

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 (arr. 7:27 p.m.); Commissioners Marilyn Schnell, Sue McConnell, Martin Tully (by phone), Mark Zabloudil, Ron Sandack; Village Manager Riccardo Ginex; Village Attorney Enza Petrarca; Village Clerk April Holden

Absent: Commissioner Stan Urban

Visitors: **Press:** Kevin Stahr, Downers Grove Reporter; Kris Owens, The Sun

Residents: Michael Davenport, Rotary Club of Downers Grove, 6636 Blackstone Dr.; Kent Ebersold, Rotary Club of Downers Grove, 1519 Hillcrest Rd.; Linda Kunze, Downers Grove Downtown Management, 1015 Curtiss St.; Dave Humphreys, Tourism & Events Commission, 4221 Saratoga; Joel Andersen, Andersen Homes, P.O. Box 845; Brad Hartjes, CM Lavoie & Associates, 633 Rogers St.; Jim Russ, Attorney, 4915 Main St.; Terese Wall, 4703 Woodward Ave.; Laurel Bowen, 829 Clyde Dr.; William Waldack, 1409 Willard Pl.; Judy Sidrys, 5223 Lee Ave.; Christine Fregeau, 1918 Elmore; Javier Millan, KLOA, Inc., 9575 W. Higgins Rd., Rosemont; Daniel Dreiser, 4624 Lee Ave.; J.I. Reed, 4640 Lee Ave.; Ralph Hajik, 247 Carlisle Ave.; G.L. Goodman, 5834 Middaugh; Roger Fournier, Discount Tire Co., William J. Moreland, The Home Depot, 1400 W. Dundee Rd., Arlington Hts.; Mike Kubes, 5538 Lyman Ave.

Staff: Pam Church, Deputy Police Chief; Mary Scalzetti, Director, Tourism & Events; Dave Van Vooren, Deputy Village Manager; Dave Barber, Director, Public Works; Greg Zimmerman, Director, Human Resources; Mike Millette, Assistant Director, Public Works; Doug Kozlowski, Public Information Officer; Dan Grecco, Public Works; Dorin Fera, Traffic Manager, Public Works; Keith Sbiral, Planner; Joseph Skach, Director, Planning & Community Development; Phil Ruscetti, Fire Chief; Greg Morton, Fire Department

Mayor Pro Tem Tully 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 two items need to be discussed that are not on tonight's agenda. The first item needs to be dealt with on an emergency basis as it concerns the critical path of the parking deck construction. He said 70 cubic yards of material was rejected at the dump site due to a petroleum smell. Versar took samples and the soil has been found to be contaminated. More soil needs to be excavated on site. He said there is a possibility that delaying the remediation work until the February 24 Workshop would impact the schedule. He asked for a verbal commitment to proceed before putting this on next week's Consent Agenda. Versar has provided a proposal as to how to dispose of the soil. The cost is \$52,500.00. Approximately \$25,000 is currently budgeted as a contingency. The Village has a multi-task blanket agreement with Versar for \$225,000 that the Council has already approved with \$93,000 that

remains open for contingencies. He said he would be able to transfer \$27,500 over for the blanket agreement.

Commissioner Tully polled the Council members who gave verbal approval to the proposal.

Commissioner Tully said one of the bid items on tonight's agenda was below the budgeted amount by approximately \$65,000. He asked if those funds could be available to offset costs such as this.

Mr. Ginex said they could.

The second item concerns the Fairview Oaks Subdivision. He said he received a plat earlier tonight. The owners wanted to abrogate the present utility easement that cuts through the middle of the three parcels and grant a new easement over the property such that each parcel could be developed. The easement would be moved toward the rear of the lots. Stormwater looked at this. No utilities are existing or planned for this easement. It was originally required for a common drainage swale. The individual permit grading plans that will be developed will have to conform to the new easement location. Pursuant to Village policy, Mr. Ginex said has to notify the Council seven days prior to a regularly scheduled Council meeting of this issue. If the Council does not request that this be put on an agenda, he can sign this as Manager. If the Council would like to put this on an agenda, this would then have to be Workshopped and the owners would need to wait.

In response to Commissioner Tully, Mr. Ginex said the Council would need to let him know tonight of their desire to Workshop this matter.

Commissioner Schnell asked if this is a new subdivision and if the swale presently exists or has to be moved. She further asked if it connects to a swale someplace else.

Mike Millette, Assistant Director, Public Works, said the swale does not exist in the area although the natural drainage does drain south/north across the lots. The water will need to convey as it does now. The swale was originally designed to be in the middle of the lot; the owners have now asked that it be moved.

Commissioner Schnell asked if it can be designed to be put in the back and it will not interfere with the normal flow of the land.

Mr. Millette said that was correct.

Commissioner Zabloudil asked if the proposed swale is in the path or in close proximity to where the water currently runs through the lot now.

Mr. Millette said it is in close proximity. There is a slight depression in the western half of the parcel that carries water across the lot.

Commissioner Zabloudil asked about the stage of development with this project.

Mr. Millette said the issue has to do with the closing. They would like to get this moved along in order to transfer title of the property and do work on the project.

Commissioner Tully polled the Council as to the need to Workshop this item. The consensus was that Mr. Millette answered the questions Council had and there would be no need to bring this to a Workshop.

1. Bids:

- a. **Heritage Festival Sound.** Manager Ginex said the Tourism and Events Commission unanimously recommended the services of R.J. Recording as the sound vendor for the 2004 Heritage Festival. R.J. Recording was the successful bidder last year and a renewal clause was

part of the contract. R. J. Recording would like to exercise the renewal clause and has agreed to hold their pricing to the same as last year, based on cost per unit.

Commissioner Sandack asked if the renewal provision is a normal part of the contracts.

Mary Scalzetti, Director, Tourism and Events, said the policy is such that contracts can be extended for two years provided the increase is not more than 2% per year.

Commissioner Schnell asked if the Tourism and Events Commission was satisfied with the services last year. Ms. Scalzetti said they were.

Commissioner Tully asked about other expenses to be charged against the budgeted amount of \$39,200.

Ms. Scalzetti said there will be other bids for different areas of the Festival that fall into this budget.

- b. **Amusement Ride.** The Manager said Tourism and Events received two responses to the RFP for an amusement ride company to operate at the 2004 Heritage Festival. Proposals from Astro Amusement Company and All-Around Amusement Company were reviewed. The Tourism and Events Commission recommended continued use of Astro as they have proven they can handle the event, they offer a tiered approach to ride revenue receipts, and they have been a good sponsor.

Commissioner McConnell said the amendments regarding the screening of temporary help are appropriate and the significance of the impact is also appropriate.

Commissioner Tully said he also appreciated the amendment to beef up the background checks and the ability to restrict non-cleared personnel from the site.

- c. **Heritage Festival Beer Vendor.** The Manager said the Downers Grove Rotary Club was selected to operate the 2004 Heritage Festival Beer Garden.

Commissioner McConnell asked if there were any changes in the venue, location or pricing.

Ms. Scalzetti said it is the same as last year except to add the provision to the contract to extend it should no other bidders come forward.

Commissioner McConnell asked if we want to have the renewal provision since this is a way to support our local service groups and charities. She asked if this is a contingency.

Ms. Scalzetti said it is another option if no one else comes forward with a bid.

Commissioner Sandack said the Rotary Club has done a fine job and is obviously well equipped to handle this again. Commissioner Tully agreed.

- d. **Good Samaritan Elevated Water Storage Tank.** The Manager said the Good Samaritan Elevated Water Storage Tank was constructed in 1998 and has not received any long-term maintenance. Further, current OSHA regulations mandate reconstruction of certain items. If approved, this work could be bid in early fall 2004 and be completed by late spring 2005. Proposals were received from two firms. Staff is recommending a professional services agreement for engineering services with Tank Industry Consultants, Inc. at a not-to-exceed price of \$78,640.00. Tank Industry Consultants has been previously engaged in agreements with the Village.

Commissioner Schnell reminded staff about the lettering. The logo is to be on only the east side of the tank.

Commissioner Zabloudil asked if there were any issues with Tank Industry Consultants. Mr. Millette said there were no issues.

Commissioner Sandack said proposals were solicited from five companies but three declined to respond. He asked if staff knew why. Mr. Millette said no reasons were given.

Commissioner Schnell asked if this is the most prudent time to proceed with this due to the current construction at Good Samaritan.

Mr. Millette said he would ask Tank Industry Consultants to respond to this.

Commissioner Tully asked how much money has been budgeted for consulting.

Mr. Millette said \$475,000 has been budgeted for the entire project which includes the consultant preparatory work.

Commissioner Tully asked if the professional engineering services agreement falls within the expected estimated cost. Mr. Millette said it does.

Commissioner Tully asked if both the professional engineering services agreement and the actual renovation of the tank will be paid for out of funds currently in the water fund. Mr. Millette said it is solely water funds.

- e. **Undergrounding of Overhead Utilities – Part A.** The Manager said as part of the development plan for the new parking deck, the existing utility poles and overhead utilities that are on and around the project site are to be buried underground prior to the deck's completion. Five bids were received with the low bid submitted by I.H.C. Construction Companies, LLC in the amount of \$134,895.00 plus a 10% contingency. References were checked with favorable reviews.

Commissioner Schnell asked if this work is near the contaminated soil. Mr. Millette said it is, although the soil will be removed before this work is done.

Commissioner Zabloudil commented on the spread among the bid amounts. Mr. Millette said staff was concerned that it might be abnormally low. In conducting their review, staff determined that no items are missing. It appears that they are uniformly low on all their unit prices compared to their competitors.

- 2. **Downers Grove Rotary Oktoberfest Agreement.** The Manager said the Rotary Club of Downers Grove would like to hold an Oktoberfest October 1-3, 2004. Applications have been submitted for a Special Commercial Event license and Special Event Liquor license. The Rotary is requesting the use of Village owned property, commonly known as Forest Lot South. The Village required the Rotary Club to enter into a license agreement in 2001 using the Grove Premium parking lot.

Commissioner Schnell asked for an explanation as to how this will impact the Library.

Mike Davenport, 6636 Blackstone Dr., said the Library had concerns. The Rotary Club met with the Library Board to discuss noise, traffic, etc. The Library Board has approved the event. The Rotary Club wants this event to be in the downtown.

Kent Ebersold, 1519 Hillcrest, said the Library Board voted to approve this unanimously. Commissioner Schnell asked if the Rotary Club worked through with the Library Board their concerns and if the Board is now in agreement that this is something they could support. Mr. Ebersold agreed and said it was without exception.

Mr. Davenport said the Rotary Club is tying this in with the Downtown Management Harvest Days. They are coordinating this to have the transportation stop at the Library, the parking deck and at Oktoberfest.

Commissioner Schnell asked if the site will be secured with an access point. Mr. Ebersold said it would be. Mr. Davenport said the access will be on the north side of the tent making it inconvenient to use the Library facilities. The tent will be fenced in with a standard 6-foot fence.

Commissioner McConnell said the parking deck will be done at the time of this event. Space has been created in the deck for events. She asked if there was any discussion about using that space.

Mr. Davenport said they would like to look at using that in future years.

Ms. Scalzetti said it was not considered this year as planning needs to start now.

Commissioner Zabloudil expressed his thanks and appreciation to the Rotary Club for putting this event on.

Commissioner Sandack thanked the Rotary Club for moving this event to a location that will hopefully generate additional interest. He also expressed appreciation to the Rotary for being cognizant and sensitive to the Library. He said he looks forward to a successful event.

Commissioner Tully expressed appreciation to the Rotary in working with the Library to allay their concerns. He said his understanding is that the Rotary has agreed to close down the lot and set up the tent one day later than originally proposed. Mr. Davenport confirmed this.

Commissioner Tully said this event was last downtown three years ago. At that time questions were raised by residents regarding the direction in which sound from the band would go. He asked if the sound would be pointing toward the parking lot and the tracks and would not be reaching any residences. Mr. Ebersold said that was correct.

Commissioner Tully said the parking deck space may be a good fit in the future.

Dave Humphreys, 4221 Saratoga, Chair of the Tourism and Events Commission, said the plan has been examined by the Tourism and Events Commission as well and unanimously approved to move ahead for approval by the Council. They discussed looking at the use of the deck next year.

3. **Tax Abatement Discussion.** The Manager asked Dave Van Vooren to address this item.

Dave Van Vooren, Deputy Village Manager, discussed the abatement process for 2003. He said the process began in November. He reviewed the timeline including starting the budget process earlier this year as compared to last year in order to have a conversation about the Manager's recommended budget as it relates to expenses and revenues to see how it impacts the tax levy abatement process as well as the tax levy.

The tax levy is a component of the revenue stream for 2004, but it is not the only revenue in the general fund. The levy also represents taxes charged to residents for the operation of the Library, the Special Service Areas, and the debt levies on behalf of all of the corporate debt. The corporate debt consists of the Village's debt and existing debt for the expansion of the library from 1996. The library debt was refinanced in 2003, reducing those levied amounts approximately \$15,000 annually.

Mr. Van Vooren said in determining the 2003 property tax levy estimate staff first had to generate an estimate of the equalized assessed value (EAV) for the Village. He described the process for doing this. The EAV went up 8.6% from 2001 to 2002. The increase is made up of four components: Commercial growth, industrial growth, other, and residential growth. The slowest growing component was residential at 8.2% which staff chose to be the factor by which to determine the 2003 EAV. It is the basis for determining the tax levy rate for 2003. Mr. Van Vooren used slides to depict the 2002 and 2003 tax rates. He said the 2003 tax rate represents a \$.04 increase in both the corporate/police protection and the fire protection rates over 2003. This provided the Council with an opportunity to determine the extent to which abatements can be enacted. The increase equates to \$1.4 million of additional revenue to the Village and has been included in the Manager's recommended budget.

Mr. Van Vooren said the amounts of the Police and Fire pension portions of the levy were established by the respective boards. The rates reflect what is needed to support the levies adopted by the boards. The request for dollars went up based on actuarial studies on funding their pension programs. The G.O. bond levies include all of the general obligation bonds. The debt service rate for the GO bonds was \$.08 in 2002; in 2003 staff proposed \$.065. That anticipated abating four of the existing seven current bond issues. They are the Fairview Avenue bond issue (1998 GO bond issue), the 2001A water bond issue, and the 1999 and 2000 TIF bond issues. Except for the Fairview bond issue, the Village pledged certain revenues to support these bond issues. Although no revenue source was pledged for the 1998 Fairview Avenue bond issue in the bond ordinance, the Council has taken the position that the gasoline tax would be used to support that bond issue.

Mr. Van Vooren said staff has tried to estimate what the increment will be in 2003 for the TIF because that increment needs to be abated against the TIF bonds. The 2002 increment was approximately \$165,000 higher than staff projected, generating a surplus. Staff is proposing in the 2003 levy to abate one additional bond issue, the 2001 TIF bond issue amounting to \$300,763. This means that instead of asking our real estate to pay for GO bonds in the amount of \$1.1 million, it would now be \$855,000 which represents two bond issues – the 2002 CBD TIF and the 2003 CBD TIF.

Mr. Van Vooren described the impact of the tax levy on residents. Based on the projected EAV and tax rate, staff estimates a \$93.00 increase on average in taxes paid to the Village of Downers Grove. The Village is one agency of many that uses property taxes to support its operations.

Mr. Van Vooren said the property tax levies are used to support fire and police functions. In 1984/85, the property tax levies covered 75-80% of the operations of the fire and police departments. That levy has not changed dramatically over the course of the last 13 years. The Village generates less property taxes in 2002/03 for the support of fire and police and on behalf of all of the Village operations than was generated in 1984/85. Mr. Van Vooren showed a slide depicting expenses to operate the fire and police departments. The Village has a diverse revenue stream and has been able to use funds from other sources to augment the operation of the Village departments and has reduced the burden of operation on property taxes. However, property taxes are the Village's most consistent revenue source.

Mr. Van Vooren then depicted the sales tax revenues. In 1991/92 sales taxes met or exceeded costs, but they have fallen in the last five years.

Mr. Van Vooren said the Manager's recommended budget projects revenues of \$39.5 million which include all of the taxes in the December levy. Expenses in the Manager's recommended budget total \$38.8 million, resulting in a surplus of \$700,000.00. One of the goals the Council has outlined is to build upon the Village's fund balance. It is critical to maintain funds to meet needs in an emergency situation. The surplus would go a long way toward supporting the fund balance and would also give the Council the opportunity to earmark some of the funds to projects that may not be included in the Manager's budget. After having had two budget workshops, the budget team now believes that although the revenues have not changed, expenses can be brought down to \$38.3 million resulting in a savings of an additional \$500,000. This would leave a surplus of \$1.2 million without significantly sacrificing the delivery of services to any of our residents or harm any existing programs. The Council took some significant steps last year and should be applauded for taking them in trying to rectify the revenue and expense issues. Last year the Council raised a significant amount of revenue, some in the form of a Home Rule sales tax. This tax has a sunset clause. Staff was asked to consider options when this tax expires. One way to do that is to stabilize the other revenue streams such as property taxes.

Regarding the potential \$1.2 million surplus, staff recommends that a portion of those monies, \$700,000 to \$800,000, go into the fund balance. An additional \$400,000 to \$500,000 could be used to enhance the capital projects program. He said the last few years have been difficult on capital projects. The capital projects team could prepare a list of recommendations to enhance and maintain our investments in the community.

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Mr. Van Vooren said he provided a memo regarding staff's recommendation on the abatements. The abatement ordinances are in the materials. If Council concurs with the staff recommendations, two of the abatement ordinances would not be placed on the Active Agenda. Alternatively, they could be on the agenda and tabled or voted upon.

Mayor Krajewski arrived at 7:27 p.m.

Commissioner Schnell asked if the slide depicting the total burden to the taxpayer includes the police and fire pension levies. Mr. Van Vooren said it reflects all of the Village taxes, but does not include the library or library debt or Special Services areas.

Regarding the surplus, Commissioner Schnell noted that the Village has or will receive grants for certain projects and has corresponding commitments that will need to be made over the next five years. At the budget meetings, Council has discussed trying to make sure those monies are available as well as additional monies to do other capital projects. She asked if some of the surplus monies would be used to smooth out the financial commitments over the next several years or if staff would be proposing spending those monies this year and then see what happens next year.

Mr. Van Vooren said the review of all of the capital projects has not been completed for the out years, 2005/06 through 2008/09. That review will assist the budget team in answering that question. He agreed that it is necessary to smooth out some of the commitments. He suggested saving some of the surplus for projects that occur in 2005/06 and 2006/07. This will provide grant related matching funds.

Commissioner Schnell said the property tax has been raised \$.04 each for police and fire this year. She said she is not sure we can continue to do that. She said it is necessary to use the funds we have this year in a prudent manner in order to have funds to meet grant obligations.

Mr. Van Vooren said that is staff's goal as well. When capital requests are brought via a grant it is important to look at the long-term impact on the funding sources that would pay the local match. In the past every grant was looked at as a "good grant" because we leveraged state or federal dollars with our local dollars. It creates a problem when we are so successful at obtaining grants that, in order to leverage them, we give up local projects that that need to be met but are not grant eligible. He said a better job needs to be done to manage cash flow over a five or six year period.

Commissioner Schnell said the information provided regarding grants was an eye opener because the Village has been successful, but if we do not have matching funds, the grants will end.

Mr. Van Vooren said one of the concerns of staff is that some important projects, such as Stormwater, do not get grant funds, as there are few if any grants for them. Those projects become wholly the responsibility of the local government entity.

Commissioner McConnell commented that the approach the staff has taken and their recommendations are probably the most prudent at this point. She agreed with Commissioner Schnell as to the need to look at the surplus for the reserve and some portion for capital projects.

Commissioner Zabloudil said last year the Council abated two of the debt service series. The question becomes whether the Council should continue to abate these or use them to plan for the future for the fund balances as well as capital projects. He said it is necessary to look at deferrals that have been made to get a true picture.

Commissioner Sandack said the budget goes hand in glove with the concept of abating portions of the real estate taxes. He said the Village's portion of the taxes is the minority portion of the dollars. He said he wants to carefully look at the propriety of abating these taxes when that is the only revenue source the Village can count on. He said the Village is highly reliant on sales taxes which is good when the economy is good and a difficult thing to struggle through for the last few years. He said he would like to see that funding is appropriate to smooth out tough economies from good economies. He would like to be sure the

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Village is looking at this with the long view. He agreed with Commissioner Schnell as to the need to plan better as the Village moves forward. He said he want to carefully look at the abatements to make sure the Village is not doing the expedient thing rather than a prudent act to take care of things in both the near and long term. He said the Council is doing the difficult task of prioritizing programs during the budget sessions.

Mr. Van Vooren said there are revenues the Village controls and those that the Village does not control. One of the revenues that has harmed the Village the worst this past year is the income tax. It probably will not meet projected targets even though staff used numbers provided by the Illinois Municipal League. Income tax is a state derived revenue that comes from the State to the Village. Over the past two years, there have been discussions about modifying the formula. The Village has no control over that. Mr. Van Vooren said currently 1/10 of all income tax paid to the State is put into a local government distribution fund and doled back to the communities on a per capita basis. There have been conversations that this amount could be reduced to 1/12 and drop our revenues significantly. He said the Village will not know this until the State adopts their budget in June. He said the Village has lost money from the State in past years in photo finishing and other taxes in the amount of \$250,000 to \$300,000.00.

Commissioner Tully said that with respect to revenues, he agrees that the Village should tie how we pay for basic services more closely to a stable revenue stream. Police, fire, public works, and basic capital improvement projects should be more closely tied to more stable revenue sources. When those revenue sources become unstable, then the services are in jeopardy of becoming unstable which is not a wise policy. It is also necessary to look at funds left over from 2003/04. There were some projects that came in under budget and some additional MFT funds freed up. How those funds will be used is still under consideration.

Commissioner Tully said Council has to be diligent and keep control of expenses. He complimented staff on the countless hours they have spent on the budget proposal. He said the Council is still in the early stages of the review. He said there may be additional reductions in expenses and reallocations of expenses to achieve a better overall outcome. As mentioned, there are expenses that cannot be controlled. For example, the Village is obligated by State law to fund the Police and Fire pension funds at the amounts necessary every year. The increases have been substantial in the last few years and are beyond the Council's control. Council is working on the expenses that are within it's control and hope to bring additional reductions in expenses.

With respect to expenses, Commissioner Tully said it is important to pay more attention to capital projects, particularly Stormwater, sidewalks and tree replacement policy as well as others. The Council needs a policy for allocating funds for each goal every year. This comes back to the discussion of abatements. An abatement occurs when the Village has levied a tax but does not collect it. It has the effect of reducing the rate that the property tax payer actually pays. Commissioner Tully said that while he would like to abate taxes it is necessary to review the reserve policy. He said he is open to abating at least one of the two debt services that is not required to be abated. He would like to abate the \$264,733 of the 2002 TIF. However, he said the Village needs to answer questions as to what the reserve policy should be and how much money should be put toward it each year. He said he would be reluctant to abate an additional debt service obligation if it meant undermining the Village's plan with respect to reestablishing or maintaining reserves. The other question has to do with capital projects. Commission Tully said there are projects that need to be enhanced. He recommended tabling the ordinances until such time as they must be acted upon as required by law.

Mayor Krajewski said Council discussed putting this on the Workshop agenda on February 24 for a vote.

Manager Ginex said the Council is meeting with the Liquor Commission on Saturday, February 21. He suggested a budget meeting following that meeting. He said he will follow up with the Council members

Mayor Krajewski said all of the TIF bonds and the water bond have to be abated with the exception of the 2002 and 2003 bonds.

Mr. Van Vooren said where the Village has sufficient revenues to meet the obligations, they need to be abated.

The Mayor said the abatement of the Fairview Avenue bond is not tied to the ordinance, but the Village has been collecting gas tax and will abate it.

The Mayor said all but two of the bonds are required to be abated. With regard to the police and fire pensions, the Mayor said the pensions added approximately \$350,000 to the budget, but they are not the driving force behind the Village's spending. He asked staff to review the pensions and project the rates for next year. He said it may go down next year by about the same amount it went up this year.

The Mayor said he would like to abate the 2002 TIF amounting to \$264,733.00. He said he would like to have \$500,000 put in the capital fund in lieu of abating the 2003 bond. He would like to see it spend at this time on Stormwater, sidewalk and tree projects. He said grant projects need to be funded, but he would rather leave the money in the residents' pockets and not take the money now if funds are going to be put in reserve to wait for when the projects need the funds. If we collect the money now, it will not be there in two years when we need it. He would rather get the money when we need it. He said the Council needs to take a hard look at expenses. The general fund has been growing and it may be necessary to reallocate funds. Capital projects are a benefit to residents as they include streets, sidewalks, trees, Stormwater, etc.

Gordon Goodman, 5834 Middaugh, said the Mayor's comments were very helpful. He asked which levies were being considered for abatement and for the staff's recommendations.

The Mayor reviewed the bond and Dr. Goodman was provided with the materials. The Mayor said that by ordinance when funds are tied to the bond, the revenue collected has to go to pay the bond in lieu of the property tax levy. The same is true for TIF revenue. In further response to Dr. Goodman, the Mayor said if funds are available through revenues tied to the bonds, the levies must be abated.

Dr. Goodman said the Village has a legal responsibility to abate four of the bonds. The Village abates the Fairview Avenue bond due to the gas tax. The Village has discretion over the other two CBD TIF bonds amounting to approximately \$855,000.00. Mayor said the Village borrows against the capital fund. The money is then paid back as the revenues are collected.

4. **Health Retirement Savings Plan.** The Manager asked Greg Zimmerman, Director, Human Resources, to discuss this matter.

Greg Zimmerman, Director, Human Resources, said his department has been investigating the Retirement Health Savings Plan of the ICMA Retirement Corporation. It is an employer sponsored health benefit savings vehicle that allows the employee voluntarily to accumulate assets to pay for medical expenses for self, spouse and/or dependents in retirement on a tax-free basis. It is a tax-deferred plan allowing tax-free withdrawals, thus affording the employee a dollar-for-dollar value to cover health costs in retirement. Staff recommends adoption of the ICMA Retirement Health Savings Plan for all employees.

Commissioner McConnell said this is a good idea as many people depend on Medicare. She suggested people look at participating at whatever level they can.

Mayor Krajewski said Human Resources needs to take a pro-active approach to implement this.

Commissioner Schnell said this is very forward thinking.

5. **Sidewalk Matrix.** The Manager asked Mike Millette to address this.

Mr. Millette said this is the annual update to the sidewalk matrix. The Parking and Traffic recommendations are included in the packet. He asked Dan Grecco to address the specific updates.

Dan Grecco, Sidewalk Engineer, Public Works, said sidewalk along Carpenter Street was constructed this year due to monies made available from unspent MFT dollars. The County participated with the construction of some new sidewalk along Main Street in two portions. This eliminated some high priority sidewalk from the matrix. There is potential cost sharing for sidewalks along Ogden Avenue due to STP funds. Gilbert Avenue would be the next priority. He recommended encouraging the Park District and Forest Preserve to participate with the Village in terms of funding a path through this area.

Mr. Grecco said staff is seeking approval of the sidewalk matrix with the changes made. He reviewed the changes. The next segments of walks to be considered for construction are: Earlston between 39th and Ogden; 40th Street between Earlston and Fairview; Glendenning between 39th and Ogden; Janes between Hobson and 63rd; and Chase between Hobson and 63rd. If there is favorable bid pricing, the alternates could be considered.

Mayor Krajewski asked about a new column entitled "State Hazard" that was added to the matrix. Mr. Grecco said that is where a segment is designated for the construction of sidewalk as a priority due to the State deeming it as hazardous. It is a distance that otherwise would not have been bussed, but for a busy street or railroad that prevents students walking from their homes to school. If the area was bussed, it was awarded a minor point value. Mr. Grecco said the students are walking to a bus stop.

Mayor Krajewski said these are streets the State has determined to be hazardous where students walk to a bus stop to be bussed to a school. The Mayor said the bonus points elevate certain streets up the matrix. James and Chase are two of the streets with bonus points. He asked how streets get elevated in a tie. He referred to two streets, Palmer and Washington, that are scored ten due to their proximity to a grade school. Because they are near a school, students are not being bussed, but are walking to school and the streets do not get the extra points causing them to fall down the matrix. He said the state hazard system does not make much sense to him. The Mayor said he thought a street by a school got double points. He thought areas near schools were weighted double.

Mr. Grecco said staff looked at the addition of several variables. The state hazard and blind hills were extra criteria developed and offered to the Parking & Traffic Commission as a way of distinguishing those streets that bunched up in point value.

The Mayor said there are not too many areas left that get bussed. Streets with a matrix point value of ten should get higher priority. The Mayor suggested adding another column to the matrix with staff's best cost estimate for sidewalks.

The Mayor reviewed the sidewalk budget including engineering, surveying and pouring of sidewalks for the last eight years: 1996/97 - \$157,000; 1997/98 - \$144,000; 1998/99 - \$177,000; 1999/00 - \$162,000; 2000/01 - \$984,000; 2001/02 - \$629,000; 2002/03 - \$440,000; and 2003/04 - \$127,000. The Mayor said \$353,000 has been requested for 2004/05. He asked what the capital project wish list was for this year.

Mr. Van Vooren said he could provide that information.

Commissioner Zabloudil said of the recommended streets on the matrix, three are walking paths to Highland School.

The Mayor said he was curious about the two streets below that, Palmer and Washington, in lieu of nos. 4 and 5.

Commissioner Zabloudil said last year sewer work was done on Glendenning. A partial sidewalk was constructed starting at 39th Street on the west side of the street. There is already a gap sidewalk there.

Commissioner Sandack said he would like to see this move to a funding concept. Last year it was mostly hypothetical due to budgetary constraints. He said a Village policy is place. If the Council can, it should abide by it. He would like to see capital projects, including sidewalks, looked at and prioritized at the next budget session. This is and has been a high priority.

Commissioner Schnell said it would be beneficial for the Council to see the gap sidewalks, costs associated with them, and priorities for them. She said she would like a better understanding regarding funds needed to repair deteriorating sidewalks.

The Mayor said Council requested information on the gap sidewalks at Saturday's budget session.

Commissioner Tully said he would like to see moved through with a little more steadiness and regularity.

The Mayor said the issue is not so much regularity but appropriate funding. If the level of funding remains at \$150,000 it will take a long time to get through the matrix.

Terese Wall, 4703 Woodward, said she wants sidewalks on her street. She asked if the matrix changes and if streets are re-evaluated. Mr. Grecco said they are reviewed on an annual basis by the Parking and Traffic Commission and presented to Council. The process begins in September or October with the Parking and Traffic Commission. In response to one of the Mayor's earlier questions, Mr. Grecco said that when some of the segments are of the same point value, one of the tiebreaker factors is speed.

Commissioner Zabludil asked Ms. Wall if she currently has sidewalks on her street. Ms. Wall said there are sidewalks to the north, between Chicago and Grant. It stops at Chicago all the way south to Warren. There are no sidewalks north of Grant to Ogden. She said a major concern on her street is the Belmont underpass being planned. She urged the Council to pass everything that is being asked for this year in order for the matrix to move along.

The Mayor said sidewalk survey work was done in that area in 1999.

Commissioner Zabludil said the Council has a petition from Ms. Wall's neighbors on record requesting that this street be moved up on the matrix.

Chris Fregeau, 1918 Elmore, said she was grateful to the Council for their openness in looking at this issue once again. She said she appreciated the chance to speak. She said she is hearing a more proactive concern toward the matrix and funding. She said last year the sidewalks were removed from the budget. At that time, Council said if there were a way to do sidewalks, they would. Ms. Fregeau said the Council kept that promise. She said MFT funds cannot be used for new sidewalks and can only be used for replacement. She said it is her understanding that the Gilbert STP funding will not come through. She said she is disappointed by that. She said she is thrilled to see the funds for Ogden Avenue. She asked the Council to continue with their commitment to funding the matrix. She said she has not approached State representatives or senators to seek other opportunities. She said sidewalks are not glamorous projects. She said she has great respect for the budget process. She knows it is no small task and she thanked the Council and staff for their efforts.

Mayor Krajewski said the Council is in the early stages in the budget process. The staff did a good job of providing their wish lists. Now the Council has to set up policies and decide where to best use the revenues the Village has.

Terese Wall asked about future budget meetings. The Mayor said the Manager would try to schedule a meeting within the next two weeks and there may be others as well. The meetings will be posted and in the newspaper. A public hearing will be held in connection with the budget in April.

- 6. Bulletproof Vest Partnership Grant Application.** The Manager said staff is recommending the submission of the Bulletproof Vest Partnership grant application to the Bureau of Justice Assistance. The Police Department is requesting funding to purchase 20 vests. The Fire Department is requesting funding to purchase 5 vests for their arson investigators. The estimated project cost is \$10,625. The Village is required to provide a 50% match, or \$5,312.00.

The Mayor said \$2,125 would be coming from the Foreign Fire Insurance Board which is governed by the Fire Department. The Council does not have control over those funds.

Commissioner Zablouidil commented that the Fire Department has sworn officers who do arson investigations. They wear these vests during those investigations.

7. **Plan Commission: Special Use – Discount Tire.** The Manager asked Joe Skach to address this matter.

Joseph Skach, Director, Planning and Community Development, said provided an overview of the property. He said the Plan Commission recommendation is in the packet. There was a significant amount of work done after the Plan Commission based on discussions at the Plan Commission level. The Plan Commission as part of their recommendation, asked Council to look at some of the parking and traffic related issues that were discussed at the meeting. Staff worked with the petitioner to come to the Village Council will all of the issues addressed. He showed slides of Home Depot and Discount Tire, and the overall site plan. He said Dorin Fera would elaborate on issues included in the packet. He discussed the basic traffic recommendations.

Dorin Fera, Traffic Manager, said he was glad to work with Home Depot and Discount Tire. He said the site had poorly developed traffic patterns and he looked to clean up existing patterns. Modifications to the east/west aisle/ring road will be made such that one of the openings will be closed off. The trucking operation is done mainly over night; however, when they are there they need to be able to navigate around the site without causing hazards to existing vehicles parked on site. One of the problems with the site is that in the very back the loading docks face east. The petitioner has worked with the Village to modify traffic flow and to improve parking spaces as it relates to definition and aisles. They looked to create a direct north/south aisle to go directly to the Home Depot site, but it became too difficult and costly to do at this time.

Commissioner Schnell referred to the site plan. She said she has been concerned for the last three years about the area directly north of the site, with respect to the outdoor garden sales. She said the east/west road is blocked off causing people to have to back down or back out of the area. She is concerned that due to the placement of the tire store northward egress will be cut off. It is more dangerous than before due to the second store. Home Depot needs to think about the placement of the garden and blocking exits. Commissioner Schnell said this is a major issue.

Mr. Fera agreed with the Commissioner's concerns. He said Home Depot needs a better defined garden center and access to and from it.

Commissioner Schnell said people need the ability to go east/west and north/south. This situation will be made worse with the tire store.

Mr. Skach said this needs to be reviewed when Home Depot applies for a temporary or special use license.

Commissioner Schnell said this is a safety issue that has gotten progressively worse over the last few years. It is a safety issue the Village has a responsibility to address.

Bill Moreland, Real Estate Director, Home Depot, said he was unaware of the problem before tonight. He said safety is a priority for Home Depot and said this will be dealt with at the store, district and regional management levels. He said he appreciated it being brought to his attention.

Mr. Moreland said Home Depot is not the petitioner for this project, but does sponsor it. Mr. Moreland said this project will be a positive addition to the shopping center. He said the improvements will improve traffic flow and enhance safety.

Commissioner Zabloudil said this plan is an improvement to ingress and egress. He noted that in the summer the garden area is cordoned off, taking up parking spaces. This will impact parking, flow, consumers, etc.

Mr. Moreland said he will have to address this in more detail with staff. Mr. Moreland said Home Depot analyzed usage of its parking field and determined it had significant excess parking. On that basis they felt the development of an out parcel would be appropriate. The local store management was involved in planning. Discount Tire parking demands are not significant as compared to Home Depot. He reiterated that he will drive the point home to the local store that there will be constraints by having an additional building and parking user on site as well as the need to insure safety at all times.

Commissioner Sandack said Discount Tire is an apt and appropriate use on this site. Parking and Traffic has worked with Home Depot and the petitioner and he is pleased that resolutions to the traffic flow are being developed. He said a final plat of approval and a special use permit is before the Council tonight. He said a special use is clearly appropriate in this space. It meets the requirements of the Future Land Use Map and all of the requirements of the final plat have been met or exceeded. He said traffic will be an issue but he feels certain that it can be addressed.

Commissioner McConnell said ingress and egress has been an issue. She said she is glad they are being addressed. She said the exit is in a circle format. She asked if it is reasonable and practical.

Mr. Fera said it will take time for people to get used to doing this. He said there will be advance signs. The store can let their drivers know.

Regarding the egress, Commissioner McConnell said there was some conversation about the extra barrier between the turn lanes. She asked if the barrier is coming out. Mr. Fera said it is.

Commissioner McConnell said there was some conversation about reserving the right to review the flow in 12 to 18 months.

Mr. Skach said this was discussed by the Plan Commission. He said they endeavor to monitor all of the shopping centers more closely, probably on an annual basis.

Commissioner McConnell ask if the ordinance is clear about the parking and traffic expectations.

Village Attorney Enza Petrarca said Mr. Fera's report of November 24, 2003 has been incorporated into the ordinance.

Commissioner Tully referred to Section 28-1902, the standards for approval of a request for a special use, the only aspect that warrants any discussion is subcategory 2 regarding detriments. All the other criteria have been met and he appreciated the way in which the petitioner spelled it out. The questions he had pertained to the parking issue as it is directly relevant to the above-mentioned criteria. He said he was pleased to see that staff's report with respect to the parking and traffic issues was made part of and incorporated into as Attachment 3 the proposed resolution. He said his only question was whether sufficient detail has been set forth what it is the Village would like to see in terms of traffic and circulation improvements in order to make sure that the criteria for the standards of approval have been met. He said his questions were answered by the presentation.

Mayor Krajewski asked Mr. Skach to follow up on the issues raised by Commissioners Schnell and Zabloudil.

8. **Banchory Woods Subdivision – Final Plat Approval.** The Manager asked Mr. Skach to address this matter.

Mr. Skach showed an engineering drawing and the areas being contemplated for the variations. There was an agreement reached regarding the pavement of surfaces on Lee and Chicago.

Mr. Millette said the requirement for curb and full improvement of half the right-of-way adjacent to the parcel was mentioned. Sidewalks exist. Looking at the character of the surrounding neighborhood, a half improved street on portions of the street seemed out of character. In lieu of that, staff suggested the petitioner resurface the entire width of Lee and Chicago as that would be of greater benefit to the Village.

Dan Drieser, 4624 Lee, said he lives across the street from the proposed subdivision. He said he has a number of concerns. He said he is concerned about the possibility of floodwater that would flow from the area of the proposed subdivision downhill to the parcels occupied by him and his neighbors. This has been a problem in the past. He is concerned that the engineering may or may not be adequate to prevent a problem in the future. Part of the exemptions is an exemption from a stormwater drainage system. The drainage system will be a detention pond rather than a tie-in to the storm sewers and currently exist. He said he is also concerned because many years ago there was a major flooding problem in the properties immediately west of the proposed subdivision. This involved the Park District and the Village of Downers Grove as defendants in a lawsuit brought by the owners of the properties. Because the runoff that runs from the proposed subdivision drains through the two properties, a swale had to be built. When Hoopers Hollow was built in 1963 there was extensive flooding on those properties and the Village and the Park District were required to develop a swale and to develop a storm sewer system. If there is going to be additional runoff to these properties, he asked if the Village and Park District might also be responsible with the homeowners for any drainage problems if there is a problem with the swale and storm sewer system.

The Mayor said these are reasonable concerns. The Council will need to be certain that the stormwater is in compliance with County and Village ordinances before this is approved. He asked the Village Attorney to review the matter of the lawsuit.

Mr. Millette said the collection point now is still the same collection point that is being proposed, which is the inlet on the east side of Lee. The concept is that by having a detention pond it slows down how fast the water flows during big rain events. In that sense the petitioner is not proposing anything different than what is there now. In fact the rate at which the water would be entering the down stream sewer is slower. This has been reviewed by Burke who concurred with the petitioner's analysis.

The Mayor asked about the difference between tying into the storm sewer vs. what is being proposed.

Mr. Millette said he will ask Christopher Burke engineering firm about this.

STANDING COMMITTEE REPORTS

There were none.

ATTORNEY'S REPORT

Village Attorney Enza Petrarca said she was presenting 14 items to the Council: 1) A resolution authorizing a license agreement between the Village of Downers Grove and the Rotary Club of Downers Grove for the 2004 Rotary Club Oktoberfest; 2) An ordinance abating apportion of the 2003 tax levy related to Fairview Avenue Debt Service; 3) An ordinance abating a portion of the 2003 tax levy related to the General Obligation Bonds, Series 1999; 4) An ordinance abating a portion of the 2003 tax levy related to the General Obligation Bonds, Series 2000; 5) An ordinance abating a portion of the 2003 tax levy related to the General Obligation Bonds, Series 2001; 6) An ordinance abating a portion of the 2003 tax levy related to the General Obligation Water Bonds, Series 2001A; 7) An ordinance abating a portion of the 2003 tax levy related to the General Obligation Bonds, Series 2002; 8) An ordinance abating a portion of the 2003 tax levy related to the General Obligation Bonds, Series 2003A; 9) A resolution for adoption of the VantageCare Retirement Health Savings (RHS) Program; 10) A resolution authorizing submittal of grant application to the Bureau of Justice Assistance for the Bulletproof Vest Partnership; 11) A resolution approving the final plat of resubdivision for the Home Depot Subdivision; 12) An ordinance authorizing special use at Discount Tire, 1201 Butterfield Road, to permit an automobile repair facility in conjunction

with retail tire sales; 13) A resolution approving the final plat of subdivision for the Banchory Woods Subdivision including required public improvement exceptions; and 14) A resolution authorizing execution of an intergovernmental joint defense agreement among certain DuPage County municipalities related to the Infrastructure Maintenance Fee Act.

VISITORS

Laurel Bowen, 829 Clyde, discussed the O'Hare Airport Resolution. She said a comment was made that resolutions are voted on periodically, suggesting that public notice or input is not required. She said she takes exception to this assumption. She reminded the Council that anything they vote on is important for the public to be informed about in advance and have an opportunity to provide input and discussion beforehand. She asked why the Council does not think the public deserves all the information. If the public is not given information, they cannot give informed feedback. She said objections and debates are not encouraged in an open forum and many believe the Council decides what information the public should have. She said the Mayor said the Economic Development Commission discussed the O'Hare Airport expansion in 2001. She said it was not discussed by the Economic Development Commission. In fact, it was deemed unnecessary at the time considering September 11, 2001 had occurred the day before. Even if they discussed the O'Hare expansion she asked how that negates the need for a Workshop session and public input.

Ms. Bowen said the Economic Development Commission meets at 8:00 a.m. on a Wednesday morning at a time that makes it almost impossible for working residents to attend. The agenda has been the identical generic version every month for years. The public has no idea what is to be discussed at the EDC meetings. The Downers Grove website does not publish the agenda. She said she is not certain the EDC represents the community as people who do not reside in Downers Grove have been appointed to the Commission. Perhaps the Council should scrutinize more closely the appointment and function of the Commissioners and Commissions who are voting behind the scenes. Residents do not deserve non-resident business people appointed to Commissions when there are so many qualified resident business people that could be appointed.

Ms. Bowen said the taxpayers deserve much more information than the Council is providing at this point.

Mayor Krajewski said he thought Ms. Bowen was confused about what some of the Council members said. They referred to Support Resolutions, not resolutions. There have been a number of Support Resolutions that have been done by the Council that have not gone to Workshop. The Council does publish the agenda items that will be discussed.

The Mayor said there are two boards – the Economic Development Commission and the Tourism Board that do not require residency. Tourism, because of the number of hotel operators. With regard to the Boards and Commission appointments, Mayor Krajewski said each Commissioner is assigned to a number of boards. They do all the interviewing of residents and make recommendations to him which he then forwards back to them for confirmation. He said he is making the Environmental Commission appointments himself. He also did the Technology Commission when it was first formed and he did the Economic Development Commission when he was first Mayor. Other than that he said he does not do any of the interviewing. He said every recommendation that has come from a Commissioner has been put forward by him as his nomination for that Board. The Council members are doing the interviews and making recommendations.

Gordon Goodman, 5834 Middaugh, asked about the last resolution reported out by the Village Attorney – the Joint Defense Agreement. He asked how he could find out about that.

Village Attorney Enza Petrarca said that item was discussed in Executive Session as a litigation matter. It will not be open for public inspection.

Dr. Goodman asked if it would be on the website in advance of the Council's vote. Ms. Petrarca said it would not be as it is a confidential agreement between the municipalities that discusses litigation strategies

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in relation to the PrimeCo litigation. It is not a document that would be subject to the Freedom of Information Act.

The Mayor said PrimeCo is a cellular phone company that filed a lawsuit in the City of Chicago because of an infrastructure maintenance tax for the phone lines when it was Cellular. The issue went to Springfield. Springfield exempted cities of over 500,000 which allowed Chicago to continue to collect their revenues. The State collects our phone tax and gives us our share three months after the fact instead of monthly. The Village had a 1% tax through 2001. PrimeCo is suing all the municipalities.

Attorney Petrarca said the Supreme Court held that the Infrastructure Maintenance Fee Act was held unconstitutional. This is litigation to recoup those fees they had previously paid.

The Mayor said a number of municipalities are getting together in a joint defense against that in addition to each municipality individually.

Dan Drieser, 4624 Lee Avenue, said the lawsuit he mentioned earlier is Rehn v. Downers Grove Park District v. Village of Downers Grove, third party defendant. The court number is 1-63326. A permanent injunction was entered in 1967 requiring the Village to maintain the storm sewer and the Park District to maintain the swale in Hooper's Hollow.

Mr. Drieser said he was told at the Plan Commission that the only opposition that would be allowed to the Banchory Woods Subdivision were statements pertaining to the factors to be considered in allowing Banchory Woods an exemption. He pointed out that the factor that was being considered was retaining the rural character of the neighborhood. Banchory Woods Subdivision will actually double the number of houses on Lee Avenue between Chicago and Grant. Additionally, it will almost double the number of houses on Chicago Avenue between Lee and Downers Drive.

COUNCIL MEMBERS

Commissioner Tully congratulated the Downers Grove Junior Woman's Club in advance for their Fifth Annual Taste of the Town event which will be held at Seven Bridges in Woodridge on Friday, February 20, 2004 at 7:00 p.m. He said tickets are sold out.

There being no further discussion, the Workshop meeting was adjourned at 9:18 p.m.

April K. Holden
Village Clerk