

MINUTES OF WORKSHOP MEETING

DOWNERS GROVE, ILLINOIS

AUGUST 9, 2005

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, Martin Tully, Ron Sandack, Stan Urban, William Waldack; Village Manager Riccardo Ginex; Village Attorney Enza Petrarca; Deputy Village Clerk Linda Brown

Absent: Village Clerk April Holden, Commissioner Stan Urban

Visitors: **Press:** Kevin Stahr, Downers Grove Reporter; Mike Mitchell, The Sun

Residents: Ray Kristufek, 5503 Belmont; Chuck Argianas, Argianas Family LLC, 5509 Belmont; Tracy Kasson, Rathje and Woodward; Andy Clark 1226 62nd Street; John Schofield, 1125 Jefferson; Jim Koziol, Koziol Engineering, Lisle

Staff: David Fieldman, Deputy Village Manager; David Barber, Director, Public Works; Mike Millette, Assistant Director, Public Works; Rita Trainor, Finance Director; Keith Sbiral, Director, Planning & Community Development; Mike Baker, Assistant Village Manager; Dr. Liangfu Wu, Director Information Services; Dave Hanks, Information 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

Consent Agenda Items

1. **Presentation on West Nile Virus by Thad Koeune, Director of Environmental Health Services of the DuPage County Health Department.** The Village Manager said Thad Koeune was present to address this issue.

Dr. Thad Koeune of the DuPage County Health Department said the DuPage County Health Department received a grant from the Illinois Department of Public Health for about \$200,000 to address West Nile Virus in the County. The money is used for a surveillance program that traps mosquitoes, tests them and tells the communities where the virus is within the community and then it is the Village's responsibility to treat for the virus. The grant money was used to purchase the traps, which are in 68 locations throughout the County. In addition, the Health Department is providing educational flyers which can be distributed to the residents.

Mosquitoes have been trapped and tested since May 1; however since July 22 the virus is increasing dramatically all over the County. There are no human cases of West Nile virus in DuPage, but there are

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several human cases in Cook and Will counties. The Health Department recommends a three pronged approach to combat the spread of the virus: first is community education; second is property maintenance, preventing the accumulation of stagnant water is essential; third is a good, aggressive larvicide program.

The briquettes that have been provided to the Village will kill larvae for 150 days. Spraying is effective only against adult mosquitoes – it's very expensive and has no residual effect – it only kills the mosquitoes it contacts directly. If there are numerous human cases, then the Village might want to consider spraying.

He then described the DuPage County Health Department's testing methodology. In 2002, Illinois led the nation in West Nile virus infections with 884 human cases and 66 deaths. The infection rate of mosquitoes is now approaching the numbers found in 2002.

Mayor Krajewski asked whether the cold summers of 2003 and 2004 kept the virus down.

Dr. Koeune replied there were 60 cases last year, and about 57 the year before; last summer was the fourth coldest on record, the year before was the 29th coldest – and the cold does suppress the virus. The drought kept the virus in check during the early part of the summer, and then when the rain came, the number of infected mosquitoes soared. Some rain and hot temperatures are perfect for the spread of the virus.

In response to the Mayor, Dr. Koeune said that the larvicidal briquettes cost about \$600 for 220 briquettes.

The Manager said that staff is utilizing the briquettes the Village has been given.

Commissioner Schnell asked Dr. Koeune to describe the symptoms.

Dr. Koeune said it's a lot like a flu. Symptoms might include severe headaches and severe fever, and a rash may also be present. He added that some of the neurological symptoms, such as paralysis, may persist after the virus abates.

2. **Contract Award for the Water Distribution System Analysis Project.** The Manager said this is a contract with Strand and Associates for \$18,970. We looked at 18 firms, and staff is recommending Strand and Associates of Joliet.

Commissioner Sandack noted the proposed costs were far less than anticipated; he asked whether staff was comfortable that this will meet the needs of the Village.

David Barber, Director, Public Works said there were two firms that came in close to the \$20,000 figure, two firms near \$75,000 and four firms in the middle near \$40,000. Both of the low firms were approached and questioned whether they were missing something – they assured us that they can provide us what we need. References were checked.

The Mayor noted that half of the water rate reduction is being passed on to residents and the other half is being used to upgrade the Village water system.

3. **Highland Elevated Water Storage Tank Repainting & Rehabilitation Project (WP-004).** The Manager said this is a contract to Maxcor Incorporated for painting and rehabilitation of the water tower on Highland Avenue near Good Samaritan Hospital. As well as painting, this will bring the water tower into compliance with new safety requirements. The budgeted amount was \$465,000 but the lowest bid was \$524,000.

Commissioner McConnell asked about the optional services or variations outlined in the contract.

Mike Millette, Assistant Director, Public Works, responded that we bid with three alternates that had been recommended by Tank Industry Consultants. The one we are recommending is the condensate sealing of the tank. The tank on Maple Street had the cloth sealing removed and replaced that with a metal pan. We

are looking to do the same to this tank. The cloth condensate system works, but to get to the inside of the tank to paint it, the cloth has to be taken down.

Alternate 3 would be to paint the dry area of the interior of the tank – the area below the water bowl.

Alternate 2 would provide costs for a different coating system suggested by the consultant that would involve a urethane coating and heavier primer that is more UV resistant and provides better rust protection. Based on the pricing, staff decided this alternate was not worth the added expense.

In response to Commissioner Schnell, Mr. Millette verified that the logo would be on one side only.

4. **Document Management System Implementation & Purchase of Additional OnBase Modules/Licenses.** The Manager said this is for the purchase of additional OnBase modules and licenses. He asked Dr. Liangfu Wu to comment.

Dr. Liangfu Wu, Director Information Services, said we go after the process, our ultimate goal is to improve the way we handle all Village documents. Secondly, we are looking to improve our customer services. We have been working on E-PAR, which relates to Human Resources files.

Mayor Krajewski asked whether staff is using the block of 10 licenses, or do we need more?

Dr. Wu replied that currently 10 licenses are adequate. In response to the Mayor, he verified that in fiscal year 2006-07, the \$12,000 shown is for an additional 10 licenses, over and above the current licenses.

5. **U.S. Cellular Antenna Agreement: Maple Avenue Tank.** The Manager said U.S. Cellular wishes to put an antenna on our tower at 2304 Maple. This agreement is for five years and also includes two five-year extensions. The License fee is \$2350 per month for the first year and a 4% increase for each year after that.

Commissioner Tully asked Attorney Petrarca whether U.S. Cellular is part of the Primeco litigation.

Attorney Petrarca said that Primeco litigation only pertains to the resident taxpayers. It does not involve the cellular companies.

Active Agenda and Informational Items

1. **Ordinance Amending Change in Fiscal Year.** The Manager asked Dave Fieldman to comment on this matter.

Dave Fieldman, Deputy Village Manager, said at the July 12, 2005, workshop the Mayor and Council asked for some further information, specifically more detail on the proposed benefits, specific transition plan, and the impact on our proposed financial software of switching to a calendar year fiscal year. Staff prepared a memo answering those concerns. The most positive benefit is the consideration of the tax levy and the budget during the same process. Secondly, the bidding of Public Works projects and the projects themselves could occur earlier in the year, resulting in lower bid prices and a longer construction season.

Mayor Krajewski reiterated his position is that there is no overwhelming reason or benefit to make the proposed change. Bidding projects earlier will yield cost savings no matter what fiscal year we follow. Considering the tax levy and the budget together is a benefit. He thanked staff for providing the historical data. The Mayor said he won't support the change to the calendar year, since he believes there are other issues more important.

Commissioner Schnell thanked Mr. Fieldman and Rita Trainor for the in depth answers and the timetable provided in the report. The timetable shows the time for citizen participation during September and October which is more beneficial than having it right after the holidays. She agreed with the Mayor that there are higher priority items that the Council needs to consider, but in the memo it said if we are going to make the

change, it needs to be done now, while the financial software is being changed. The other benefit is the ability to track the tax levy and budget together. It eliminates some of the issues about whether the taxes should be abated or not. So there are some benefits to it, and she thinks she will be supporting the change.

Commissioner Waldack said he agreed with Commissioner Schnell, and he supports the change and he wanted to add his admiration for the work Commissioner Zabloudil performed with the Financial Committee. He stated that as the rookie of the group, he believes this change will allow newcomers to the Council to participate fully earlier in the year. In reference to the change in the accounting system, he had experience with that during the breakup of the Bell system and it was troublesome. The process was daunting, but at the end of it, all the participants had a better understanding of the system and they were all able to adapt. Since the Village will be changing the accounting system, it seems sensible to change the fiscal year at the same time, and he will vote for the change.

Commissioner Sandack said he had participated in many discussions on this matter, with Commissioner Tully and Commissioner Zabloudil, and he was and is a proponent of the fiscal year change, and the upside vastly outweighs the transitional difficulties that will occur. Aligning our tax levy with the budget makes eminent sense. Residents are calendar tax payers – they are used to that process. Perhaps there will be more resident participation in the levy and the budget process. Lastly, he said, if not now, then never. With the new software system coming into place, now is the time to do it.

Commissioner McConnell agreed with the previous commissioners' comments. The real benefit is rolling all of the coordination activities together with the budget and the levies, making it easier for the taxpayers to see where the money is being spent and to increase the transparency of the process.

Commissioner Tully thanked all involved for the flow of information, this deserved a full vetting. He asked if there is anything other than anecdotal information to support the contention that putting projects out to bid earlier in the year results in savings.

Mr. Fieldman replied that it is hard to get quantitative data. On programs that are repeated every year, like street resurfacing, there is no risk adjustment in the bid prices. With new programs, like the financial software, there is a risk factor adjustment in the prices.

Mr. Tully said staff ran some programs as though we had already gone to a calendar year, can you share some of that information.

Mr. Fieldman responded that the information will be e-mailed to Council or placed in next week's packet.

Mr. Tully said this is not a life or death issue, like the West Nile virus. There are a number of advantages, and different people have different opinions. The customer service aspect of the proposed change is a benefit. Allowing the input of newly elected commissioners to the budget process four months sooner than the current cycle provides is a good thing. He believes allowing the tax levy and the tax abatements to be considered during the budget review is important. On balance, he said he thinks the scale tips in favor of doing this. It appears as though other communities are going toward this system.

Mayor Krajewski asked whether our current contracts contain the phrase "subject to budget approval."

Attorney Petrarca responded that was correct.

2. **Adoption of Debt Policy.** The Manager said Dave Fieldman would address this item also.

Dave Fieldman said one of our goals is to develop and maintain a balanced financial plan for operations and capital improvements. We also are moving towards measurable performance indicators and specific standards. The goal of the debt policy is to establish measurable guidelines for the Village to consider when deciding upon the issuance of any debt. It summarizes the legal constraints affecting the debt issuances; it provides industry standard benchmarks and ratios for us to compare our debt issuances against. It outlines

policies and procedures for conduit financing. It requires an annual report of these indicators and benchmarks to the Council.

The financial institutions use these benchmarks when they analyze our proposed debt issuances. This would put us on the same page as the financial institutions before we go to speak with them. The Finance and Administrative Committee reviewed this policy, and they recommend its approval.

Commissioner Schnell asked if this policy was in place when we issued the debt for the downtown infrastructure and would this have proved the debt reasonable.

Mr. Fieldman replied there would be nothing negative. The financial institution ran these numbers, and it came back positively and so we have the bond in place.

Commissioner McConnell said she was happy to see this before the Council. There are industry standards out there that we are benchmarked against that are publicly available. She asked Mr. Fieldman to please explain the benefits of the conduit financing and who would be eligible to use it.

Mr. Fieldman said state law allows the Village to issue tax exempt bonds on behalf of not for profit entities; it reduces the cost of borrowing for those entities. An example is the recent bond issued on behalf of the Avery Coonley School.

Commissioner Tully said this is just an adoption of best practices. The Government Finance Officers Association recommends that municipalities adopt this sort of a policy. It is a tool or a compass to make sure the community is on the right path financially. Council will get reports on where we are with respect to the benchmarks.

Commissioner Waldack said that staff had answered all his questions. This policy will allow the Village to maintain good ratings and business practices. Some residents continue to ask about the health of the Village finances, and this should help answer some of those questions.

Commissioner Sandack said Rita Trainor has been pushing for this policy for some time, appropriately so. As Commissioner Waldack said this will show residents we have a set of criteria in place for debt issuance. This contributes to the transparency that is so important.

Commissioner Tully said this demonstrates that historically the Village has engaged in good practices. The external benchmarks are already there – we are being judged against them by the financial community. This is like night vision; it allows us to see the benchmarks.

3. **Ordinance Amendment – Supermajority Vote.** The Manager said Keith Sbiral will address this item.

Keith Sbiral, Director, Planning and Community Development, said this is a Zoning Ordinance amendment that addresses the situation of a zoning change that is protested by 20% of the property owners. In that situation, instead of requiring a vote of four out of six council members, it would require the vote of five out of seven council members, which would include the Mayor. The Village has the Home Rule authority to make that modification. The Plan Commission recommended against this proposal, but staff still recommends in favor of the change.

Commissioner McConnell said her reading of the Plan Commission minutes led her to believe that the Commission wasn't necessarily against the proposal, but just looking for more information and clarification of some of the issues.

Mr. Sbiral said some members of the Plan Commission didn't feel the change was appropriate, and staff researched other Home Rule communities in this regard. Oak Park has the same language as ours; Wheaton has similar language, but Wheaton requires 50% of the surrounding property owners to trigger the process, rather than the 20% we specify.

The Mayor said the majority of the Mayors in DuPage County don't vote on most matters.

Commissioner McConnell asked what time limitations apply to these protests.

Attorney Petrarca said that it must be certified mail to the applicant and the applicant's attorney. The state statute is not as clear as it could be.

Commissioner McConnell asked if only four commissioners were present at a meeting, how would that be handled.

Mr. Sbiral said that the measure would require five votes to pass.

Commissioner Tully said he wanted to apologize to the Plan Commission, because their minutes reflect their frustration. They didn't quite know what Council was asking them to do. It comes down to a simple issue. Recent situations highlighted an issue that has existed for some time. Under our current form of government, the Mayor votes as any other Council member on matters. It was an odd situation. When a supermajority vote was required due to a protested rezoning request – the Mayor's vote didn't count – it didn't make any sense. There was some inquiry into the interpretation of the state statutes, which were ambiguous. The Council asked staff to correct the ambiguity and make it clear that under our form of government in Downers Grove, the Mayor's vote does count. The effect would be to require five affirmative votes of the seven Council members, a supermajority. There was some confusion about what needed fixing.

Mayor Krajewski said most Mayors in DuPage don't ordinarily vote on matters – their Councils are constructed with an odd number of members and the Mayor only votes in select situations. Most of these Mayors have veto powers. If the Mayor vetoed something, it would require a supermajority vote of the Council to override the veto – and the Mayor could not vote in that situation. He believes that is the reasoning behind the construction of the current state statute.

Commissioner Sandack said the state statutes excluded our form of government; it didn't make any sense. Rectifying this is a good use of our Home Rule power. This is a rule of procedure that makes eminent sense, and absent the Home Rule power, this Council couldn't even discuss it. It's a poster board example of good use of Home Rule power.

4. Public Hearing re: Plan Commission File No. 16-05: Belmont Annexation Agreement, Rezoning, Special Use and Variation.

Mayor Krajewski called the Public Hearing to order at 7:45 p.m. He said this public hearing has been called by the Village Council to consider the proposed annexation agreement for the properties located at 5505-5509 Belmont Road. Notice of this hearing was published in the *Downers Grove Reporter* on July 22, 2005. He then reviewed the procedures to be followed for the public hearing.

The Manager said the Village of Downers Grove has received a proposed annexation agreement from the owners of certain properties located outside the Village's planning jurisdiction. This agreement is on a form provided by the Village and provides for actual annexation to occur immediately.

The properties will be classified as R-1, Single-Family Residence District, upon annexation; however, rezoning and other land use approvals are requested with this annexation agreement.

Tracy Kasson of Rathje and Woodward, representing the owners of the property, said the owners purchased this property a number of years ago, it has an office building built in the County. Subsequently, a home and vacant lot were purchased, and both properties receive water and sewer from the Village. The owner wants to use the property to the north to expand the parking for the office building; it currently meets the County requirements, but it may be a little tight.

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Ray Kristufek, 5503 Belmont, said he owns the property immediately north of the subject properties. When he first purchased the property, it was zoned residential with single family homes on both sides. There are light pollution problems already. There are spotlights on the existing building that shine through the bedroom windows; they shine into the kitchen and into the property to the north. Currently, even with the parking lot being 120 feet away, there are noise problems. The property owners have promised changes, but nothing has happened. Now there will be truck traffic within 15 feet of the bedroom window. Where can a property owner go for relief?

Mayor Krajewski asked if Mr. Kristufek had spoken to the County about the lights.

Mr. Kristufek replied he had only talked to the building owner.

Mayor Krajewski replied that once the properties are annexed, the Village regulations regarding noise and light pollution will apply.

Commissioner Tully said that we currently have no jurisdiction over the property. The owners are asking for a special use and at that point the Council can add conditions to granting that special use. This hearing is only the first step.

Commissioner Schnell said that Mr. Kristufek's issue is addressed in the staff report; it says there is to be screening along the north property line. There will be further opportunities for Mr. Kristufek to speak on the issue.

There being no further discussion, the Mayor adjourned the Public Hearing at 8:15 p.m.

Keith Sbiral said the petitioner is also requesting a special use for an office use in an R-6 zoning district, within a thousand feet of a business or commercial zoning district, and a setback variation for a little extra landscaping. Staff recommended that the properties come in as R-6 rather than rezone this as a business use. The neighbors are concerned that this continues to remain as office use.

The photometric plan shows that light will be at zero at the property line. The landscaping and fencing will form a buffer that is 100% screened, as required by ordinance.

Commissioner Tully said if the underlying zoning is R-6 would that allow the petitioner in ten years time to build multi-family there as a matter of right.

Mr. Sbiral said it would.

Commissioner Tully said that we need to keep in mind the joint efforts of the Economic Development Commission and the Planning Commission with respect to the future uses of the Belmont corridor. Perhaps the Council ought to bring all those forward and approve them in advance. Make sure that residents in the area know what the land use plans are for the area. The variation seems to make sense by providing extra landscaping. The special use standards for approval address the issues Mr. Kristufek brought up.

Commissioner McConnell asked if the light that is currently on the building, is that part of the photometric?

Mr. Kasson said the current light is not addressed in the photometrics. The owners have agreed to install a fence and landscaping along Mr. Kristufek's property line. The current light on the building is a 60 watt incandescent there for safety purposes.

Mr. Kristufek said the current light shines straight to the north, not onto the parking lot. Is it correct that the light that is currently on the building is not part of the proposed agreement.

Commissioner McConnell asked that the current light be addressed in the special use agreement.

Mr. Sbiral said we can add language to the special use that will address all lights on the property.

STANDING COMMITTEE REPORTS

Public Services

Commissioner Schnell said that her group is meeting August 16 at 5:30 p.m.

Public Safety

Commissioner McConnell said Public Safety will meet on August 23 to address police issues.

Finance and Administration

Commissioner Tully said Finance and Administration will meet August 16 at 5:30 p.m.

MANAGER'S REPORT

Manager Ginex said the financial software consultant is coming in August 23 at 5:30 p.m. This will allow Council to hear what is being contemplated.

Manager Ginex added that the neighbors at Jefferson and Middaugh had a meeting last week regarding plans DuPage County had for installation of a bikeway. Commissioners Schnell and Tully were there, along with some staff members. We are currently negotiating with the County on an intergovernmental agreement and the Village will work to make sure the residents concerns are heard.

Mayor Krajewski said he spoke to Mr. Bennington and the County is going to look at alternative routes. They are putting a timeline together.

ATTORNEY'S REPORT

Village Attorney Enza Petrarca said she was presenting nine items to the Council: 1) A resolution amending the fiscal year to calendar year; 2) A resolution establishing the policy of the Village Council with respect to debt management; 3) An ordinance revising provisions for zoning classification amendments; 4) A resolution authorizing an amendment to a software maintenance agreement between the Village of Downers Grove and Crowe Chizek and Company, LLC; 5) A resolution authorizing execution of a license agreement between the Village of Downers Grove and United States Cellular Operating Company, LLC, to install, maintain and operate an antenna on Village property; 6) A resolution authorizing execution of an annexation agreement for the properties located at 5505, 5507 and 5509 Belmont Road, Downers Grove, Illinois; 7) An ordinance annexing 5505, 5507 and 5509 Belmont Road to the Village of Downers Grove, Illinois; 8) An ordinance amending the Comprehensive Zoning Ordinance of the Village of Downers Grove, Illinois, codified as Chapter 28 of the Downers Grove Municipal Code, as amended to Rezone property located at 5505, 5507 and 5509 Belmont Road; and 9) An ordinance authorizing a special use for an office building with variations.

COUNCIL MEMBERS

Commissioner Sandack hopes that residents inform themselves about the dangers of the West Nile virus and take all necessary precautions.

Commissioner Schnell said regarding the neighbor meeting the Manager spoke about, some residents of Aubrey Terrace had concerns about the bike path going past their homes. The Manager sent out an informational letter to the residents of that neighborhood explaining the process. The information should be on the website so that residents understand that this has not yet come before Council.

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Mayor Krajewski said the County has not received objections from other communities regarding bike paths.

Commissioner Schnell said Downers Grove has its own bike plan; perhaps the County and our staff could work together to incorporate both plans.

VISITORS

There being no further discussion, the Workshop meeting was adjourned at 8:20 p.m.

Linda Brown
Deputy Village Clerk