



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, July 12, 2011

7:00 pm

Council Chambers

1. Call to Order

Mayor Martin Tully called the regular meeting of the Village Council of the Village of Downers Grove to order at 7:00 p.m. in the Council Chambers of the Downers Grove Village Hall.

Pledge of Allegiance to the Flag

Mayor Tully asked Scouts from Cub Scout Pack 80 to help lead those present in the Pledge of Allegiance to the Flag.

2. Roll Call

Present: Commissioner Marilyn Schnell, Commissioner Bob Barnett, Commissioner William Waldack, Commissioner Sean P. Durkin, Commissioner Becky Rheintgen and Mayor Martin Tully

Absent: Commissioner Geoff Neustadt

Non Voting: Village Manager David Fieldman, Village Attorney Enza Petrarca and Village Clerk April Holden

The Council meeting is broadcast over the local FM radio station, WDGC. In addition, a tape recording and videotape of the meeting are being made using Village owned equipment. The videotape of the meeting will be used for later rebroadcast of the Council meeting over the Village cable television Channel 6.

The Council will follow the rules of conduct for this meeting as provided in Sec. 2.5 of the Downers Grove Municipal Code. These offer the public the opportunity to comment at several points in the meeting. First, immediately following approval of the minutes of the past meetings, an opportunity will be given for public comments and questions of a general matter. If a public hearing is scheduled for this meeting, an opportunity is given for public comments and questions related to the subject of the hearing. Finally, an opportunity is given for public comments and questions on items appearing on the Consent Agenda, the Active Agenda and the First Reading.

The presiding officer will ask, at the appropriate time, if there are any comments from the public. If anyone wishes to speak, the individual should raise their hand to be recognized and, after acknowledgment from the presiding officer, approach the microphone and state their name and address. Remarks should be limited to five minutes, and asked that individuals refrain from making repetitive statements.

Mayor Tully said there are agendas located on either side of the Council Chambers, and he invited the audience to pick up an agenda and follow the progress of the Council meeting.

3. Minutes of Council Meetings

Council Minutes - July 5, 2011

Mayor Tully asked for a Motion to approve the minutes as submitted.

Commissioner Schnell moved to approve the minutes as presented. Commissioner Durkin seconded the motion.

The Mayor declared the Motion carried by voice vote.

July 4th Parade Awards

Mary Scalzetti asked Mayor Tully to help present awards to the winners of the July 4 parade entries. She announced the following awards:

Mayor's Award - Downers Grove Roadrunners Soccer Club

Council Award - Downers Grove Choral Society

Youth Award - Maple Hill Swim Club

Community Spirit Award - Cub Scout Pack 80

C.J. Shoemaker Award - Osceola High School Marching Band, Wisconsin

Ms. Scalzetti also presented an award to Dillion Kohls who won the Public Works Green Guy Challenge and rode in the parade in the Public Works truck.

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

1. James Toler, 111 41st Street, said he last addressed the Council on July 12. Prior to that meeting, he sent the Mayor an e-mail and Council received his written comments at the meeting. He had hoped for a better response to his comments. He has had a total of 83 power outages since 1997. He called the Council to action. He wants the Council to hold ComEd accountable for their horrible service and he wants the Council to take action. He acknowledged that severe storms are tough to dispute, but noted that he has had 81 outages not including the last two storms. He said Downers Grove and Westmont did not sound their sirens until after the storm had passed. He asked exactly what Council is going to do.

Mayor Tully asked how many people in the audience wanted to speak about the power outages. In response to Mr. Toler, the Mayor said he takes the concerns seriously. There are a number of people and a number of Villages sharing the same problems. The Mayor said the action Mr. Toler suggested was to commence legal action and the Council can give thought to a suit, but cannot do this lightly. Mr. Toler's concerns are not forgotten. The Mayor said this is not a funny issue. In the past, ComEd has been brought into the Village to discuss issues. The Mayor said the Village does not operate the power grid. Everybody needs to understand that Village staff, in addition to everything else they are doing, such as removing tree debris and transporting seniors to cooling centers, are also committed to getting ComEd to take appropriate action and give Downers Grove the priority it deserves. He asked that previous information regarding creating our own electric utility be provided to the Council.

Mr. Toler asked that the Village Attorney be directed to phone him for his suggestions. The Mayor said he may contact Mr. Toler himself.

Commissioner Durkin said he sympathizes with Mr. Toler. He has had a number of outages in his neighborhood. He said Darien threatened a lawsuit in 2005 and it appeared action was taken.

Village Manager Dave Fieldman said staff is in contact with ComEd.

Commissioner Durkin asked that updates be placed on our website.

2. Jeff Crane, 4825 Saratoga, quoted a Downers Grove Patch headline regarding the storm and siren activation. He said it seems that we still have a glitch. The sirens sounded 15 minutes after the storm passed. He referenced the Manager's, and Commissioner Durkin's and Neustadt's comments at the last meeting. He said the residents have been fooled twice. Residents are being told it was a battery backup system that failed this time. It would be nice if the first responders had an opportunity to prepare in case of a real emergency. He said school starts in six weeks and asked how the teachers will be able to respond and properly care for

their students in the event of an emergency..

The Mayor said that these two experiences have each taught us something. He reiterated that safety is our first priority. We want our systems to work properly.

3. John Kohls, 1032 59th Street, said he understands people are upset about the siren activation. This is an important matter. On June 21, families at McCollum Park waited for the sirens to be sounded. A teenage umpire forced the team to leave the field. We were lucky that there were not more injuries. He asked the Council to take this seriously and said this needs to be addressed immediately.

4. Carrie Swenson, 4044 Glendenning, said she has three children. The storm hit yesterday at 8:00 a.m. and her power was on all day until 8:00 p.m. ComEd told her they were shut down to restore power to the commercial businesses on Ogden Avenue and to repair the grid. Her block had to give up power for commercial districts. When her power went out, the power for others went on. She was later told by ComEd that her power was not shut down for the Ogden Avenue businesses. She is frustrated with the way she and her neighbors were treated. She expressed concerns about the integrity of the entire system.

5. Pavan Nallamala, 4104 Sterling, said he agrees with what has been said. He asked what ComEd is telling the Village.

The Mayor said ComEd holds conference calls daily and the Village is passing on that information to the residents.

Mr. Nallamala said he experienced a power outage for 20 hours on June 9. He was told by ComEd that it was a scheduled outage. He has had six outages in the last four weeks and said a better system is needed.

Commissioner Barnett reminded people that Council represents residents as Commissioners and in reality. Comments help Council to see how widespread a problem is, but sarcasm is not helpful. The Village is limited in what we can do. He said Mr. Toler's issue is different from what is experienced by the storm and Commissioner Barnett urged people to try to separate the issues. Council members are experiencing the same problems. We are in this together.

Mayor Tully said Village staff tries hard to push information out to the public.

Commissioner Waldack thanked residents for their comments. He said they will be shared with ComEd. He said he agrees with some of the suggestions. He has asked staff for ideas regarding this issue a number of times. It is a regional problem and we should act regionally. We should work with our associations and with officials downstate. He said we all get frustrated with ComEd. Council is trying to find better solutions. It was lucky there were no serious injuries. Regarding the siren activation, he is glad there was a change in the policy and acknowledged the need for a better backup system.

Commissioner Schnell said the ComEd issue is two pronged - storm related and infrastructure related. ComEd has an aging infrastructure and until ComEd can correct the infrastructure, we will continue to have outages. This is a long-term issue. She noted that the storm related outage was widespread. With respect to the siren activation, she said the problem was there was no reliable source of power. This needs to be addressed.

Commissioner Rheintgen said that during both storm events staff followed the guidelines in place. Both events had unique aspects to them. There will always be things that are unexpected. This was not a case of people not doing their jobs. She said this issue needs to be addressed now and she is confident that staff will do that.

6. Mr. Toler responded to Commissioner Schnell's comment by reading a portion of a letter dated April 10, 2000 regarding repeated power outages. He asked how much time will we give ComEd.

7. Alice Cagney, 4121 Longmeadow, said she has lived here 13 years. Her power used to go out consistently, but the situation has gotten better. This issue has been going on for years and years.

5. Public Hearings

6. Consent Agenda

BIL 00-04556 A. List of Bills Payable: No. 5910, July 12, 2011

Sponsors: Accounting

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

Indexes: N/A

MOT 00-04555 B. Motion: Award a Design-Build Contract in the Amount of \$387,750.00 to Applied Ecological Services, Inc., Brodhead, WI, for Streambank Stabilization on Areas of St. Joseph Creek South Branch

Sponsors: Public Works

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

Indexes: St. Joseph Creek

BID 00-04557 C. Bid: Award a Contract Not to Exceed \$30,000 to Mark-It Corporation, Romeoville, IL, for the 2011 Thermoplastic Pavement Marking

Sponsors: Public Works

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

Indexes: Pavement Marking

Passed The Consent Agenda

A motion was made by Commissioner Schnell, seconded by Commissioner Durkin, that the consent agenda be passed. The motion carried by the following vote:

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

7. Active Agenda

8. First Reading

RES 00-04558 A. Resolution: Authorize a Contract with J.S. Riemer, Inc.- Watershed Improvements - 2nd and Cumnor Project

Sponsors: Public Works

The Manager asked Stan Balicki, Assistant Director, Public Works, to address this item.

Stan Balicki, Assistant Director, Public Works, said this is a request to award a contract for the 2nd and Cumnor watershed improvements project to J.S. Riemer, Inc. of Elgin in the amount of \$1,055,141.50. This project was identified as a high priority in the Village's Watershed Infrastructure Improvement Plan (WIIP). It will provide stormwater storage for the area to

reduce flooding. The project includes the purchase and demolition of five existing homes. A portion of Cumnor Road will be removed between 2nd and 3rd Street for the excavation and creation of a wetland bottom detention basin.

Eight bids were received, but the Village's Construction Manager determined that three of the bids did not meet the specifications. Staff is recommending that this contract be awarded to J.S. Riemer in the amount of \$1,055,141.50.

Commissioner Barnett asked as to the total budget for this project.

The Manager said staff hired a construction manager to oversee the contracts. There will be at least two contracts. The landscaping contract will follow. This allows staff to proceed quickly. It should be under budget.

Commissioner Schnell referenced the report card. She said IDOT rated them a 5 on aggregate bases.

Mr. Fieldman said it has to do with street construction, not stormwater storage area.

Commissioner Schnell said they started the project rated by IDOT in October and worked hard to finish it during the construction season.

Mark Thoman, 1109 61st Street, said he was speaking on behalf of the Downers Grove Watch and Coalition for Managed Redevelopment in support of this project. He noted it is expensive. He said it is a low-tech solution and will also serve as a demonstration facility. He commended V3, Public Works, and the residents on their work and the Village for proceeding with this. He thinks this will help with stormwater issues.

Indexes: Village Property - Acquisition, Watershed Infrastructure Improvement Plan

9. Mayor's Report

Materials to be Received

Materials to be Placed on File

10. Manager's Report

The Manager provided a report on the July 11, 2011 storm, including storm attributes, power outage, tree damage, and estimate of Village expenses.

Mr. Fieldman said the policy to determine activation of the sirens was followed. Adjustments have been made to provide for uninterrupted power supply.

Regarding the storm attributes, Mr. Fieldman said it was a severe thunderstorm with high winds, tree damage and power outages. Winds were at 70 mph. There were initially 5,600 ComEd customers without power. By Tuesday, July 12, 2011, 4,300 ComEd customers were without power. There are currently 3,900 customers without power. ComEd estimates that 90% of Downers Grove customers will have their power restored by Friday, July 15 at noon. In terms of tree damage, Mr. Fieldman reported that Village crews removed trees from the roadways. The Village will follow the Village Council policy with respect to the disposal of parkway tree debris. Only debris from parkway trees is to be removed as the tree assessment was that 5% of trees in two of the seven sectors were damaged. Parkway trees will be removed by Village crews and two private tree service providers. He said 175 parkway trees were damaged and 10 parkway trees were destroyed. The tree assessment was completed by noon.

Mr. Fieldman provided information as to the estimates expenses of this storm. The total expense

is estimated to be \$59,700 of which \$31,200 is for staff overtime and \$28,500 for contractual expenses. He then reviewed storm expenses to date:

February 1 blizzard - \$175,000; June 21 storm - \$400,000; July 11 storm - \$60,000. Village storm expenses have totaled \$635,000.

Staff will use existing fund balance to pay for these expenses.

Commissioner Barnett asked if the expenses include tree replacement.

The Manager said it does not. Tree replacement would cost between \$50,000 and \$100,000 more.

Commissioner Barnett said the Village does not have control over ComEd, but we can help our residents in times of crises. This, in his mind, is a responsibility of ours. He said this is not a criticism of the Council or staff. We have been following procedures and acting promptly. Communications from the Village has been excellent, timely and clear. He said he does not think the policy in place regarding tree debris pickup is appropriate. It was established in 1997 and revised in 2004 and again this month. He said it should be amended further and the Village should pick up debris even if it turns out to be an annual situation. He said the amount of money to do this is not insignificant. He would like to revisit the policy. He thinks we can do more and encouraged Council to do so. He said he would like to discuss this over the next six to eight weeks and commented that we are fortunate that we have budgeted well.

Commissioner Durkin said he agrees with Commissioner Barnett. He asked that the Long Range Financial Plan and/or 2012 budget include a request for funds for storms. He said storms are out of our control and the costs presented tonight are estimations. He asked if this could be placed on a First Reading.

Commissioner Schnell said she does not have a problem with revisiting the policy. In the instance of the July 11 storm, she would have been more amendable to picking up the storm debris if the thresholds had been closer than 5% of the trees in two sectors. She said it is extremely expensive to clear debris. Public Works staff worked 12 hour shifts for weeks with no vacations and limited time off with their families. This could create a situation of staff fatigue. Everybody has been affected, but the policy is there for a reason and the thresholds were not met. She said we cannot impose more on our staff. She noted that some large trees were downed in her neighborhood and tree removal companies were contacted. She thinks we need to follow the policy in this case, but she would be willing to review it in the future.

Commissioner Waldack said we have a policy in anticipation of problems so there is not a knee-jerk reaction. This was not a close call in terms of the thresholds being met. The Village picks up private property trees about once a decade. This is an expensive job in terms of money and fatigue. He said he has ideas as to how to pay for this while keeping our reserves by making adjustments to revenue to replace reserves. Replenishing reserves of \$600,000 would add approximately \$50.00 to a typical tax bill. Commissioner Waldack said the Village no longer contributes to meals for seniors and transportation for the disabled, but now Council is talking about money for tree debris pickup. He said this matter refers to trees on private property. He referenced discussions regarding private property rights, but now some are saying it's the Village's responsibility to pick up private property trees. He feels the private property issue changes the discussion. He also said that if people want this, there is a price tag.

Regarding the Village's notification system, he reminded residents that they can sign up for this service.

Commissioner Rheintgen said it would be a mistake not to review a policy. In this case, 5% of the trees were affected and the threshold is 15%. She is not in support of picking up the tree debris from private property. It is important to remember that all services cost money. She said

it is responsible for the Village to abide by the benchmarks.

Mayor Tully said he did not see this turning into a budget debate and is somewhat disappointed that it did, as this is a more pointed question. There is nothing wrong with reviewing the policy and the rationale for it. He said he and his fellow Council members have a list of phone calls and e-mails expressing bewilderment that the Village is not picking up tree debris on private property from Monday's storm when it was done as recently as a couple of weeks ago. We are victims of bad timing because it is highly unusual that these two events would happen so close in time to one another, which is creating confusion and expectations. He said there are storms every year that cause damage. When the damage is on public property, it is addressed and paid for either through the Forestry budget or the reserves. Our reserves have been hit hard this year. He understands there has been damage on private property. If for no other reason, there should be a discussion about the policy to explain the rationale behind it. The last time this was discussed was seven years ago. This is a discussion of public vs. private. That is an important distinction. He said snowplowing is a core service and has public safety aspects. Snowplowing by the Village occurs only on public streets. The Village does not plow private driveways. The Village should take care of public property. The Mayor said we are talking about the circumstances whereby public dollars will be used to address a private situation. In the tornado event, there were people that lost very large trees that could not be brought to the curb. Homeowners paid to have those trees removed while those who could get their trees to the parkway got their trees picked up and chipped for free. He said there is also an issue of fairness here. A policy manages expectations. Having a policy means there was thought and deliberation, and a reason behind the policy. The policy has an important aspect of fairness because only when a certain benchmark is reached will public dollars be used to address a purely private situation. He noted that if someone's chimney had been knocked over in the storm, no one would be advocating that public dollars be used to go on the property and repair it. Mayor Tully said he is reticent to expand the services. There have been ongoing discussions about focusing on better maintaining what we currently do before discussing expanding services with public dollars. Perhaps the Village should be focused on better doing the things we currently do. The Mayor pointed out that in 2004 the economy was better than it is today. He said the majority of the Council feels it is appropriate to have a discussion about the policy.

Commissioner Barnett said it felt it was important to have this discussion now because Council is always trying to meet the public's expectations. If we are better able to communicate exactly what we are going to do, there is a better chance that people will not be disappointed. This discussion was worthy to that end. Further he thanked the staff who prepared for this discussion in the midst of their other duties and current crisis.

11. Attorney's Report

Future Active Agenda

12. Council Member Reports and New Business

Commissioner Durkin said he made a comment last week in reference to people being responsible for themselves. He said he was quoted tonight and not necessarily misquoted, but it was not in reference to what was said. The minutes stated: "At the end of the day, he said no matter what communications are provided, we are all responsible for ourselves, and must be aware of our surroundings." He said what he was referencing was that no matter how many e-mails the Village sends, phone calls made, tweets, updates on the Village's website, or the sirens being sounded, at the end of the day we are responsible for ourselves. It is common sense to be aware of one's surroundings, as mentioned by the resident who was at McCollum Park, Commissioner Durkin said he does not take any credit for that. He was just relating what he was taught as a child by his parents. He wants to make the point clear.

Commissioner Barnett urged residents to take a few minutes to check on their neighbors.

Mayor Tully thanked staff for taking proactive steps at Oak Tree Towers to check on the residents and take care of them. On another matter, he said the Bike and Buggy Parade was successful. Coffee With The Council will be held on Saturday, July 16 from 9:00 a.m. to 10:00 a.m. at the Main Street Train Station and he invited people to come.

13. Adjournment

Commissioner Schnell moved to adjourn. Commissioner Durkin seconded the Motion.

VOTE: YEA: Commissioners Schnell, Durkin, Rheintgen, Barnett, Waldack; Mayor Tully

Mayor Tully declared the motion carried and the meeting adjourned at 8:36 p.m.