



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, September 13, 2011

7:00 pm

Council Chambers

1. Call to Order

Mayor Pro Tem Marilyn Schnell 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 Schnell led 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 Commissioner Geoff Neustadt

Absent: Mayor Martin Tully

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

3. Minutes of Council Meetings

Council Minutes - September 6, 2011

2012 Work Plan - September 7, 2011

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

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

The Mayor declared the Motion carried by voice vote.

National Preparedness Month Proclamation

Mayor Pro-Tem (Mayor) Schnell proclaimed the month of September as National Preparedness Month in the Village of Downers Grove.

Mary Scalzetti, Emergency Management Coordinator, explained that September is National Preparedness Month led by FEMA and sponsored by the Ready Campaign. The theme this year is "A Time to Remember; A Time to Prepare." Ms. Scalzetti said that the goals are to educate residents and businesses to increase their level of preparedness. She explained that residents can 1) prepare or obtain a kit which will serve to sustain individuals for 72 hours, and should include a gallon of water per person per day, food, flashlights, batteries; 2) Make a Plan - residents should designate an out-of-area contact person, and know where to meet in case of disaster; 3) Be informed and be aware - residents should subscribe to an alert service. The Village has a community-wide notification system to alert residents in case of an emergency and residents can sign up on the Village's website. In addition, there are brochures available and additional information on www.ready.gov.

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

There were no comments.

5. Public Hearings

6. Consent Agenda

BIL 00-04638 A. List of Bills Payable: No. 5918, September 13, 2011

Sponsors: Accounting

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

Indexes: N/A

MOT 00-04642 B. Motion: Authorize \$83,230 to Wellspring Environmental Products, Oak Park, IL, for Geomelt Liquid Deicer

Sponsors: Public Works

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

Indexes: Public Works - Standard Supplies & Services

RES 00-04628 C. Resolution: Approve Final Plat of Subdivision for 318 4th Street

Sponsors: Community Development and Plan Commission

Summary of Item: A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR 318 4TH STREET

RESOLUTION 2011-66

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

Indexes: Subdivision, Subdivision - 318 4th Street

RES 00-04629 D. Resolution: Approve Final Plat of Subdivision for 339 6th Street

Sponsors: Community Development and Plan Commission

Summary of Item: A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR 339 6TH STREET

RESOLUTION 2011-67

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

Indexes: Subdivision, Subdivision - 339 6th Street

RES 00-04630 E. Resolution: Approve Final Plat of Subdivision for 5237 Benton Avenue

Sponsors: Community Development and Plan Commission

Summary of Item: A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR 5237 BENTON AVENUE

RESOLUTION 2011-68

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

Indexes: Subdivision, Subdivision - 5237 Benton Avenue

RES 00-04632 F. Resolution: Abrogate a Certain Portion of a Public Easement in the Village of Downers Grove - 6241 Main Street

Sponsors: Community Development

Summary of Item: A RESOLUTION ABROGATING A CERTAIN PORTION OF A PUBLIC EASEMENT IN THE VILLAGE OF DOWNERS GROVE - 6241 MAIN STREET

RESOLUTION 2011-69

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

Indexes: Abrogation - 6241 Main Street

RES 00-04644 G. Resolution: Authorize a Highway Safety Project Agreement with the Illinois Department of Transportation

Sponsors: Police Department

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF A HIGHWAY SAFETY PROJECT AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE ILLINOIS DEPARTMENT OF TRANSPORTATION

RESOLUTION 2011-70

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

Indexes: Illinois Department of Transportation

MOT 00-04646 H. Motion: Note Receipt of Minutes of Boards and Commissions

Summary of Item: Environmental Concerns Commission - July 14, 2011
Joint Review Board - Ogden Avenue and Downtown TIF Districts - July 25, 2011

A motion was made to Note Receipt Of this file on the Consent Agenda.

Indexes: Boards and Commissions Minutes

Passed The Consent Agenda

A motion was made by Commissioner Durkin, seconded by Commissioner Barnett, 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 Commissioner Neustadt

7. Active Agenda

ORD 00-04631 A. Ordinance: Vacate a Certain Portion of a Right-of-Way Located Adjacent to 4720 Florence Avenue

Sponsors: Community Development and Plan Commission

Summary of Item: This vacates a 102-foot deep by 16-foot wide alley right-of-way adjacent to the property located at 4720 Florence Avenue.

AN ORDINANCE VACATING A CERTAIN PORTION OF AN UNIMPROVED RIGHT-OF-WAY LOCATED ADJACENT TO 4720 FLORENCE AVENUE IN THE VILLAGE OF DOWNERS GROVE

ORDINANCE NO. 5525

A motion was made by Commissioner Durkin, seconded by Commissioner Barnett, to Adopt this file. Mayor declared the motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Barnett, Commissioner Waldack, Commissioner Durkin, Commissioner Rheintgen and Commissioner Neustadt

Indexes: Vacation, Vacation - 4720 Florence Avenue

8. First Reading

ORD 00-04454 A. Ordinance: Rezone Property Located at 1035 Grove Street from DT Downtown Transition District to DB Downtown Business District

Sponsors: Community Development and Plan Commission

Tom Dabariner, Director, Community Development, explained that this ordinance approves rezoning the property at 1035 Grove from Downtown Transition (DT) to Downtown Business (DB) classification. The property is 3,000 square feet and consists of a single-family house, which is vacant. The petitioner wants to open an accounting office and a psychotherapy practice. This would require modest internal changes that would require a building permit. He displayed a slide showing the property's location in relation to the downtown business area. The Plan Commission heard this petition on February 28 and recommended approval of the requested rezoning. Staff concurs with the Plan Commission's recommendation.

Mayor Schnell commented that by changing the zoning it would change the configuration of the zoning district boundary, and this would then encroach on the residential area. She noted further that they do not have to provide parking, and there are already parking issues in the area. This would make parking worse in her opinion.

Indexes: Rezone 1035 Grove - DT Downtown Transition District to DB Downtown Business District

MOT 00-04645 B. Motion: Award \$168,594.00 to Knickerbocker Roofing and Paving Company, Harvey, IL, for Fleet Services Building Roof Replacement

Sponsors: Deputy Village Manager

Mike Baker, Deputy Village Manager, said that this would approve a contract with Knickerbocker Roofing for the Fleet Maintenance building and an adjacent building. Mr. Baker said the facility is attached to the Village Hall. The Village received grant funding in the amount of \$120,000, which would cover 71% of the total project cost. Staff competitively bid out the work and is recommending the lowest responsible bidder. Knickerbocker has worked in the Village previously.

Commissioner Durkin asked for clarification of the report card, which showed that this particular company received a "satisfied" while some of the others received "well satisfied." He asked that a clarification between the two categories be provided next week.

Indexes: Fleet Maintenance

BID 00-04640 C. Bid: Award \$175,000 to James D. Fiala Paving for 2011 Fall Roadway Patching Project

Sponsors: Public Works

Nan Newlon, Director, Public Works, said this contract is a component of the Village's 2011 Roadway Maintenance Program which consists of work done by contractors as well as in-house pavement patching. Other street maintenance work contracted for this year includes about \$3.7 million in street resurfacing, curb replacement and crack filling. This particular project includes milling and overlay of disintegrated sections of asphalt pavement. Ten streets have been identified, as well as others. This will allow the completion of over 30,000 square yards of pavement this year. Ms. Newlon said that James D. Fiala Paving was the low bidder, and has completed multiple projects of a similar scope in the Village and surrounding communities.

Commissioner Barnett asked Ms. Newlon to quantify and detail some of the in-house work that has been completed, and what is not being done. He also reminded the public that prior to the Council reviewing this item at tonight's meeting, there has been a good deal of work done, and additional information is available on the website.

Indexes: Roadway Improvements

MOT 00-04641 D. Motion: Award \$169,000 to Robinson Engineering, Ltd. for Professional Services for Knottingham Roadway Reconstruction and Water Main Replacement Improvements

Sponsors: Public Works

Ms. Newlon said this contract is for design engineering services for reconstruction of the street and replacement of the watermain for the Knottingham Roadway Reconstruction project. The project replaces work done in the late 1970s. There have been numerous watermain breaks in this area in the past several years. The third component includes traffic calming measures to be incorporated into the reconstruction project. In addition, a Comprehensive Communication Plan consisting of at least two neighborhood meetings with the contractor will be held. Fourteen proposals were received; two did not meet the minimum requirements. Robinson was the most responsive to the Village's proposal and has received positive referrals from other communities.

Commissioner Neustadt said he brought up some questions regarding this item with Mr. Fieldman. He said that the Council might want to go through pre-qualifying bidders, or other approaches for this type of project.

Commissioner Durkin commented that the Council should look at this type of project at a Workshop to keep the integrity of the RFP process, and obtaining professional services at the highest level.

Mayor Schnell asked the Manager if this request should be a work plan item for next year. Mr. Fieldman said he will talk with Commissioners Neustadt and Durkin to better understand their request, and he will get back to the Council.

Bill Wrobel, 7800 Queens Court, said that this would be a laboratory for future work. With proper management and direction this will be cost saving and future oriented.

Indexes: Water Main Improvements, Roadway Improvements

MOT 00-04639

E. Motion: Authorize the Purchase of Bulk Road Salt from Cargill Incorporated Salt Division, North Olmsted, Ohio, via the State Contract

Sponsors: Public Works

Mr. Fieldman said that the Village has traditionally participated in the State contract for the purchase of road salt. This price remains the same as the last two years, \$63.24 per ton.

Commissioner Neustadt asked whether there was less or more usage with the Geomelt. Ms. Newlon said that two years ago the salt usage leveled off. Staff's goal was a 30% salt reduction and the Village has met that.

Commissioner Durkin asked whether the process for delivery is the same as last year, and Ms. Newlon said it is the same process, and they are using the same supplier as last year.

Commissioner Neustadt asked whether they unload at Village Hall or the Public Works facility. Ms. Newlon said it is at both places.

Indexes: Salt

REP 00-04583

F. Report: Stormwater Utility

Sponsors: Manager's Office

The Manager stated that David Hyder of MFSG was present for the second of four meetings regarding the proposed stormwater utility. This discussion will include level of service and preliminary information on the fees. Mr. Fieldman stressed that the fee information is preliminary.

David Hyder, Municipal & Financial Services Group, explained that tonight's discussion will include three topics: 1) The current and recommended level of service; 2) the current revenues and the funding gap; and 3) the magnitude of fees and benchmarking. He said this is again preliminary. He reviewed the timeline, noting the next two presentations will be the first meeting in October, and the third meeting in October.

Level of Service:

Using a power point presentation Mr. Hyder explained the current level of service is comprised of the day-to-day operating and maintenance expenses, the outstanding debt, and the planned capital improvement projects. Total operating and maintenance expenses for the current stormwater system are projected for a five-year forecast at \$1.66 million in 2013, increasing to \$1.90 million in 2017.

Regarding outstanding debt, the Village has one debt issue from 2008 for stormwater improvement, and that will retire in 2038. The debt payment is level at \$1.1 million per year through 2038.

Mr. Hyder then addressed the Village's planned capital improvement projects through 2016. Categories of the projects include: 1) Capital maintenance (current level of service, such as repair of existing stormwater assets); 2) Stormwater main replacement (current level of service); and 3) Watershed improvements (recommended level of service) which include expansions or improvements to the existing stormwater system. The Village has been doing some of this work.

Mr. Hyder then showed a chart forecasting the current level of service. The current level of service for FY13 totals \$3.3 million. Of that, \$1.66 million is for operating and maintenance; \$1.1 million for existing debt; and \$552,500 for capital maintenance and replacement. He reviewed the current operating and maintenance activities, and then showed that those activities essentially need to be doubled to meet the goals of the 2006 Master Plan.

Regarding capital improvement projects, the Village is currently spending \$500,000 per year, which is a 220-year replacement cycle for stormwater main replacements. He noted that about 11% of the stormwater mains are already 80 years old or more. The recommendation is that the Village should spend about \$1 million per year, which would put the Village on about a 100-year replacement cycle.

Mr. Hyder then addressed watershed improvements funding, noting that the Village would have to issue additional debt in 2014-2015, because remaining watershed improvement funds would be about \$300,000 by 2013.

Mr. Hyder summarized the costs for the recommended level of service for FY13 through FY17. The cost projection for FY13 is \$5.7 million. By FY17 the cost for the recommended level of service would be \$7.1 million.

Current Revenues and Funding Gap

As of 2013, the revenues for stormwater are estimated to be \$2.5 million, of which 76% will come from property taxes, with the remaining 24% from other sources. Of the property tax revenues, 76% comes from residential property, 21% from commercial property and 3% from industrial property. He said that stormwater does not work based on the EAV of the property. There is no revenue from tax-exempts. Total revenue from other sources for FY13 would be \$612,500 from sales tax, state income tax, utility tax, home rule tax, developer contributions, and other sources.

Mr. Hyder then explained the funding gap for FY13 which, based on the current level of service would result in a negative \$835,000. Based on the recommended level of service, the gap would be \$3.2 million. He then explained the fee estimates. The monthly stormwater fee for each residential single-family home to replace the existing revenues in FY13 would be \$5.60 per home. In FY16 the fee would be \$5.80 per home. For commercial customers with ten times the impervious area of a single-family home, the fee would be ten times the fee, or \$56.00 per month. The fee to fund the current level of service for a single-family home would be \$7.50 per home, and \$12.80 per home for the recommended level of service for FY13. The average fee for stormwater around the country is in the \$4-\$5 range. At the next meeting more detail will be provided as to how these fees are obtained. He showed a slide detailing 15 Illinois communities which have established a stormwater utility. He said seven do not fully fund the utility with stormwater fees. They use other sources including property taxes, etc. They ultimately want to have the fee pay fully for the expenses; however, now there is a hybrid of funding so as not to create a significant fee up front.

Mayor Schnell asked if this would be online, and Mr. Fieldman said the entire presentation will be online.

Commissioner Neustadt asked whether the Village could abate the stormwater part of the property tax, and Mr. Fieldman said the Village could do that.

Commissioner Rheintgen asked Mr. Hyder whether the average fee of approximately \$4.50 would be a separate bill. Mr. Hyder responded that the majority of communities put this on a utility bill, and some place it on the property tax bill as a separate line. This will be discussed more fully at the next meeting.

Commissioner Waldack asked whether it could be billed on the property tax bill and as a utility bill for those who do not have property tax bills. Mr. Hyder responded that they could look into this, although he is unaware that this is being done anywhere. He noted that there are people who have a significant amount of impervious area but pay nothing today, even though they impact the stormwater system. Commissioner Waldack then commented about the management

of the utility and the matter of credit for stormwater mitigation. He said they spoke about stormwater utility several years ago, and the major problem was putting this on a property tax bill, and the administrative costs.

Commissioner Barnett commented that the Village is currently developing revenue that will not be sufficient to maintain its current needs, and Mr. Hyder said that was correct. Commissioner Barnett then noted that other communities do not charge their entire cost as a stormwater utility and must be subsidizing with additional sources, such as property taxes. He asked why we do a general fund transfer and segregating the revenue identified from other sources. Mr. Fieldman said a stormwater fund was created a few years ago to help implement the Watershed Infrastructure Improvement Plan. This is a direct payment out of the General Fund for the stormwater-related services. Commissioner Barnett asked for any information related to setting up this fund.

Commissioner Barnett then asked about the use of the term "enhanced" and what it means. Mr. Hyder responded that the word "enhanced" is not a good word choice. It refers to what is "recommended." The Manager said it really represents the value of the 2006 Stormwater Master Plan.

Commissioner Barnett then asked about the 2006 Master Plan and whether there has been any re-evaluation of it. Mr. Hyder responded that they have reviewed the assumptions and costs, and they feel they are reasonable and accurate.

Commissioner Barnett then addressed the concept of a utility fee versus a tax. He noted that the Village is doing stormwater work via the property tax. Fees hit people in a variety of ways. It is really a new tax, and this represents a new bill for everyone in the Village. There could be more questions in regard to the terminology used.

Mr. Hyder responded to Commissioner Barnett, stating that these numbers in terms of level of service are the reality, and eventually the Village will have to spend this money at some point. There presently is a great inequity in that residents pay most of the fees. By establishing a "fee" versus a "tax," it encourages people to reduce their runoff, and can become an incentive to people. The consensus is that it is important that there is some voluntary basis for it, and that an owner can do something on their property to reduce their fee. He said that the Village will have to address those issues, and cannot totally mitigate the fee. The Village benefits from the fee incentive because people might improve the impervious condition of their property.

Commissioner Durkin asked about the \$5.60 figure and how it was determined. Mr. Hyder said the \$2.5 million was divided by the number of dwelling units. This will be discussed in more detail at the next meeting.

Commissioner Durkin noted that Springfield, Illinois is doing this, but has all kinds of credits. Mr. Hyder responded that they would discuss this at the next meeting also. Commissioner Durkin asked that the Council be provided with the slides before the next meeting, and the Manager said that would be done. In further response, the Manager said staff would review the legality of rebating the property portion of the tax.

Mayor Schnell said this was a great presentation and there was a lot of information presented. She likened the discussion to that regarding increasing water rates to maintain the system. She noted that looking at the figures for stormwater, it is obvious that there will have to be more done. She asked about the maintenance of National Pollutant Discharge Elimination System (NPDES) required by the government. Mr. Hyder said the government sets the maintenance and that was the driver for the 2006 Master Plan. She said that the bottom line is there will be a user fee one way or another, similar to water usage. There is, however, a segment of the population that is not paying for stormwater runoff they are producing. She expects in the next couple of meetings they will have to discuss how to deal with that. She agreed that it would be

beneficial to get the slides ahead of time. She also asked when the public education segments would begin.

The Manager responded that they will look for support from the Council after the meetings in October to begin the public engagement process. The education process will be a long one.

Commissioner Waldack commented that the Village has to do what is fair. He agrees it will be nice to have the slides ahead of time. He said people understand property taxes versus fees. To look at this as a property tax equivalent is helpful.

Tom LeCren, 545 Prairie, commented that as a resident, he sees large dollar figures, and wants to know what goes into that. He would like to see a breakdown. He asked where in the process sump pump discharge fits in, and he also asked what the value of his property has to do with the stormwater issue. He doesn't think it relates.

The Manager responded that this is an ongoing discussion, and they are only about halfway through the presentations. The fees stated are very preliminary. Information will be posted on the website, including Mr. Hyder's entire presentation.

Indexes: Stormwater Utility

9. Mayor's Report

New Business

RES 00-04643 Resolution: Reappoint Members to Boards and Commissions

*Reappoint David Gorman and Robert Ruyle to a three-year term expiring August 31, 2014
Reappoint Daniel Schoenberg to a two-year term expiring August 31, 2013*

A motion was made by Commissioner Durkin, seconded by Commissioner Barnett, to Adopt this file. Mayor declared the motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Barnett, Commissioner Waldack, Commissioner Durkin, Commissioner Rheintgen and Commissioner Neustadt

Indexes: Boards and Commissions

Mayor Schnell thanked the staff for the 9/11 tribute on Sunday. It was very moving and tastefully done. She also thanked Commissioners Neustadt and Rheintgen, as well as Senator Sandack for attending.

10. Manager's Report

Mr. Fieldman reminded everyone that on Thursday night there will be a ComEd Town Hall meeting at 7:00 p.m. to be held at the Downers Grove Park District Recreation Center on Belmont Road. There will be an audio recording and staff's presentation will be online.

11. Attorney's Report

Village Attorney Enza Petrarca said she was presenting one (1) item to the Council: 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 1035 Grove Street.

Future Active Agenda

12. Council Member Reports and New Business

Commissioner Neustadt informed the public that the hazy sky and fire smell is due to wildfires in Minnesota. They expect the conditions to dissipate over night.

13. Adjournment

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

Mayor Schnell declared the motion carried by voice vote and the meeting adjourned at 8:18 p.m.