



Village of Downers Grove

Meeting Minutes

Downers Grove Village Council

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

Tuesday, September 18, 2007

7:00 pm

Council Chambers

1. Call to Order

Mayor Ron Sandack 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 Sandack led those present in the Pledge of Allegiance to the Flag.

2. Roll Call

Present: Commissioner Marilyn Schnell, Commissioner Martin Tully, Commissioner William Waldack, Commissioner Sean P. Durkin, Commissioner Bruce E. Beckman, Commissioner Geoff Neustadt and Mayor Ron Sandack

Absent: Village Attorney Enza Petrarca

Non Voting: Village Manager Cara Pavlicek, Village Clerk April Holden and Assistant Village Attorney Ann Marie Perez

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 on the active agenda items for this evening's meeting. Following this, an opportunity is given for public comments and questions on any subject. Finally, 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.

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 Sandack 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 Workshop and Council Meetings

Executive Session Minutes for Approval Only - August 21, 2007

Council Meeting - September 4, 2007

Workshop Meeting - September 11, 2007

There being no additions or corrections to the minutes, Mayor Sandack said they would be filed as submitted.

Bi-weekly Update - Fire Station 2 Construction

Ed Disler, Owners' Representative, reported on the status of construction of Fire Station 2. He showed plans of the third floor on the overhead projector. Work is moving forward and they are

close to being on schedule accounting for rain days, and he added that the work is also on budget.

The Mayor noted that several of the Council members took a tour of the facility earlier in the day, and he was pleased to see the growth of the project.

Proclamation

Mayor Sandack proclaimed the week of September 17 through 23, 2007 as Constitution Week in the Village of Downers Grove. He then introduced Mrs. Miller of the DAR, and presented her with the Proclamation. Mrs. Miller spoke of the ratification of the Constitution in 1787, stating that the first State to ratify it was Delaware. She said this is the oldest Constitution still in use in the world and has served as a model for many other countries. She thanked the Council for the Proclamation and for their continued support and recognition of the observance of Constitution Week.

4. Public Comments and Questions

A. Comments and Questions on Active Agenda

B. Comments and Questions on General Matters

George Swimmer, 4905 Main Street, said he appreciated the regular reports on the firehouse project. He commented on the Belmont Underpass, saying he was on the Underpass Task Force about ten years ago, and they were able to get funding from various sources. He was concerned about comments made at the last meeting that there may not be an underpass construction, noting that Representative Patti Bellock has not heard from Metra for the past six months, and asked where the project stands at this time.

Mayor Sandack said that he met with Dave Fieldman and the Metra representatives, saying that the commitment of the Village has not changed and is not called into question. Since the continuing budget battle is going on in Springfield, it makes funding the primary concern, especially since it is from a number of sources.

Manager Cara Pavlicek stated that there would be a number of items on future agendas related to the Belmont Underpass project, some of which are updates to the intergovernmental agreement. She said staff is also in the process of creating a section on the website called Construction Updates which will include information on the Underpass. As to groundbreaking, the Manager said there should be demolition of properties in the next few weeks, and they hope to see ICC funding in 2008.

Mr. Swimmer then stated that from a railroad safety point of view, there is always a problem when gates go down but trains don't pass through. People lose confidence in the gating and warning system. There is also a problem when speeding trains pass by stopped trains. He noted that there have been three fatalities in the last few years due to this passing of stopped trains in stations. He referenced the dangerous situations that exist in Downers Grove, and asked if someone from the Village could work with Metra to find a solution to eliminate trains stopping between Fairview and Washington, then going back downtown.

Diane Meyer, 6035 Dunham, said she hoped that the ditch and stormwater on Dunham road go through without a hitch. However, she is still underwater whenever it rains, and her sump pumps are always working. In October 2006, she wrote to the Village asking for help, and she received a response from Mike Millette, Assistant Director, Public Works, in November 2006. She provided a chronological review of working with the Village regarding rainstorms and flooding, noting that it is now almost a full year later since her first contact. She felt that her problem was not being solved in a timely manner, and she has been informed that her entire property is considered a flood plain, yet Village staff has told her otherwise. Water is now up to

her back door. She would like this issue to be looked at seriously since she cannot even get to her generator. She believes that the silting on Middaugh is causing her problems, noting that the Creek is on Park District property.

Mayor Sandack responded that he hoped the Village could at least get help regarding the silt fence. He asked that staff look into this matter as quickly as possible. The Manager said she would have Public Works contact Ms. Meyer.

5. Public Hearings

Community Development Block Grant

Mayor Sandack called the public hearing to order at 7:25 p.m. to consider submittal of an application to the DuPage Community Development Commission for block grant funding for the Downers Grove Prentiss Creek Neighborhood Resource Center, formerly known as Autumn Grove Resource Center, as part of the Community Oriented Policing program. Notice of this hearing was published in the Downers Grove Reporter. The Mayor then reviewed the procedure for the hearing.

Andy Matejcak, Counseling and Social Services, said the Village will be submitting an application for the Community Development Block Grant (CDBG) for the Prentiss Creek Resource Center program. The amount requested is \$38,169 to cover the cost of the part-time coordinator's salary and the IMRF contribution.

Within the Strategic Plan Alignment, the Five Year Plan and Goals for 2006-1011 identified Preservation of the Residential and Neighborhood Character. Supporting objectives of this goal are Continuing Reinvestment in the Neighborhoods and Safe and Secure Neighborhoods.

Addressing the fiscal impact, Mr. Matejcak said the fiscal year 2008 proposed General Fund budget will include revenues of \$13,507 for the CDBG within Grants, Federal. This amount is a projection based on the actual CDBG award received by the Village in 2007.

Staff is recommending approval of the application by resolution tonight on the consent agenda.

Mr. Matejcak said the CDBG is a federally funded Housing and Urban Development grant that is administered by the DuPage County Community Development Commission. As an entitlement community based on census data, the Prentiss Creek apartment complex receives supportive services through the Prentiss Creek Neighborhood Resource Center, the Department of Counseling and Social Services, and the Community Oriented Policing initiative. These supportive services include various programs for the complex's residents including ESL classes, computer proficiency classes, homework assistance, health fairs, social services networking, referrals for financial assistance and basic needs, crime reduction, mentoring and recreational activities for youth.

Each year a portion of the CDBG amount requested is awarded to the Village. HUD requires 85% of DuPage County's entitlement go to capital projects. Neighborhood Resource Center support is categorized as a service project. In the last four years, DuPage County's CDBG entitlement has been reduced by 16%, with a loss of \$776,208. The CDC reports in FY 2007, 86% of eligible public services applications were funded at an overall rate of 51% of the level that had been requested.

There be no questions, the Mayor adjourned the public hearing at 7:30 p.m.

6. Consent Agenda

COR 00-02975 A. Claim Ordinance: No. 5707, Payroll, August 31, 2007

Sponsors: Accounting

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

Indexes: N/A

BIL 00-02976 B. List of Bills Payable: No. 5690, September 18, 2007

Sponsors: Accounting

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

Indexes: N/A

RES 00-02977 C. Resolution: Adopt Amended Economic Development Corporation Bylaws

Sponsors: Manager's Office

Summary of Item: This authorizes approval of the second amendment and restated bylaws of the Economic Development Corporation.

A RESOLUTION AUTHORIZING ADOPTION OF THE AMENDED ECONOMIC DEVELOPMENT CORPORATION BYLAWS

RESOLUTION 2007-94

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

Indexes: Economic Development Corporation

BID 00-02978 D. Bid: Award \$165,500 to Trine Construction Company, West Chicago, Illinois, for the Dunham Road Ditch and Storm Sewer Project (CIP Project)

Sponsors: Public Works

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

Indexes: Storm Sewers, Dunham Road Improvements

BID 00-02979 E. Bid: Award \$247,860 to Lyons/Pinner Electric, La Grange, Illinois; \$188,200 to AT&T Illinois; and \$17,185 to Comast Cable for Undergrounding of Overhead Utilities for Acadia on the Green

Sponsors: Public Works

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

Indexes: Planned Development #37-Acadia on the Green

MOT 00-02981 F. Motion: Cancel the Council Workshop Meeting Scheduled for December 25, 2007 and the Regular Council Meeting Scheduled for January 1, 2008

Sponsors: Manager's Office

Summary of Item: This cancels the Council meetings of December 25, 2007 and January 1, 2008. The next scheduled meeting after December 18, 2007 will be January 8, 2008.

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

Indexes: Village Council

RES 00-02980 G. Resolution: Authorize Submittal of Application to the DuPage Community Development Commission (CDC) for the 2008 Community Development Block Grant (CDBG) for the DuPage County Neighborhood Resource Center Cluster
A motion was made to Pass this file on the Consent Agenda.

Indexes: DuPage County Community Development Block Grant

MOT 00-02982 H. Motion: Note Receipt of Minutes of Village Boards and Commissions
Summary of Item: Community Events Commission - August 9, 2007
Human Services Commission - April 4 & August 1, 2007
Parking & Traffic Commission - August 8, 2007
Plan Commission - August 6 & August 20, 2007
Stormwater and Flood Plain Oversight Committee - August 9, 2007
A motion was made to Award this file on the Consent Agenda.

Indexes: Boards and Commissions Minutes

Passed The Consent Agenda

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

Votes: Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

7. Active Agenda

ORD 00-02985 A. Ordinance: Amend the Zoning Code Regarding Off-Street Parking and Loading Provisions
Sponsors: Community Development and Plan Commission
Summary of Item: At their meeting of April 4, 2007, the Plan Commission recommended amendments to general provisions of the Zoning Ordinance, Chapter 28 in relation to off-street parking and loading.

AN ORDINANCE AMENDING THE ZONING CODE REGARDING OFF-STREET PARKING AND LOADING PROVISIONS

ORDINANCE NO. 4908

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

Votes: Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Zoning Ordinance - Off-Street Parking and Loading Provisions

ORD 00-02984 B. Ordinance: Amend Article 14 of the Zoning Code Regarding Off-Street Parking and Loading Provisions
Sponsors: Community Development and Plan Commission
Summary of Item: At their meeting of April 4, 2007, the Plan Commission recommended amendments to Article 14 of the Zoning Ordinance regarding off-street parking and loading provisions.

AN ORDINANCE AMENDING ARTICLE 14 OF THE ZONING CODE REGARDING OFF-STREET PARKING AND LOADING PROVISIONS

ORDINANCE NO. 4909

Commissioner Tully commented that page 11 of the proposed amendment refers to parking of utility trailers. He said there is a utility trailer on Prairie Avenue, which was determined previously to be an acceptable situation. He wanted to be sure that was not affected by this amendment language. The Manager said she didn't believe there was a problem in that particular situation. Commissioner Tully said that section (b) refers to recreational trailers and does not reference utility trailers. The Manager said that if staff feels the ordinance would impact that situation a further amendment can be brought back to the Council at a later date.

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

Votes: Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Zoning Ordinance - Off-Street Parking and Loading Provisions

RES 00-02986 C. Resolution: Authorize a Special Commercial Event License Agreement with the Rotary Club of Downers Grove for the 2007 Rotary Club Oktoberfest

Sponsors: Communications

Summary of Item: This will authorize a license agreement with the Rotary Club of Downers Grove related to the 2007 Oktoberfest. This will approve the use of Village property (commonly known as Forest Lot South) to accommodate the Festival.

A RESOLUTION AUTHORIZING A SPECIAL COMMERCIAL EVENT LICENSE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE ROTARY CLUB OF DOWNERS GROVE FOR THE 2007 ROTARY CLUB OKTOBERFEST

RESOLUTION 2007-96

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

Votes: Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Rotary Club - Oktoberfest

RES 00-02989 D. Resolution: Approve the Final Plat of Subdivision for the Bales Mold Service Subdivision

Sponsors: Community Development and Plan Commission

Summary of Item: At their meeting of August 6, 2007, the Plan Commission recommended approval of the Final Plat of Subdivision for the Bales Mold Service Subdivision.

A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR THE BALES MOLD SERVICE SUBDIVISION

RESOLUTION 2007-97

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

Votes: Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Subdivision, Subdivision - Bales Mold Service

ORD 00-02987 E. Ordinance: Authorize a Special Use for 1931 Ogden Avenue to Permit a Restaurant Facility with a Drive-Up Window

Sponsors: Community Development and Plan Commission

Summary of Item: At their meeting of August 6, 2007, the Plan Commission recommended that a Special Use be granted for the property located at 1931 Ogden Avenue for a restaurant facility with a drive-up window.

AN ORDINANCE AUTHORIZING A SPECIAL USE FOR 1931 OGDEN AVENUE TO PERMIT A RESTAURANT FACILITY WITH A DRIVE-UP WINDOW

ORDINANCE NO. 4910

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

Votes: Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Special Use - 1931 Ogden Avenue

MOT 00-02904

F. Motion: Accept Plan Commission Recommendation to Deny a Petition to Vacate a Certain Portion of the Prairie Avenue Public Right-of-Way

Sponsors: Community Development

Summary of Item: At their meeting of May 7, 2007, the Plan Commission unanimously recommended denial of the vacation of a portion of Prairie Avenue.

Commissioner Tully pointed out that voting affirmatively will result in a denial of the petition to vacate the right-of-way in question.

Commissioner Beckman said he supports the Motion but has concerns about the frequency of incidents that were reported by the petitioner. He wants to be sure that the Village will promote community safety.

A motion was made by Commissioner Neustadt, seconded by Commissioner Tully, to Accept this file. Mayor Sandack declared the motion carried by the following vote:

Votes: Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Vacation

MOT 00-02988

G. Motion: Accept the Watershed Infrastructure Improvement Plan Final Report and Provides Direction Related to the Preparation of the FY 2008 Budget

Sponsors: Manager's Office

Summary of Item: This accepts the Watershed Infrastructure Improvement Plan Final Report and provides direction related to the preparation of the recommended FY 2008 budget including establishment of a stormwater improvement fund to include revenues from sources including but not limited to property tax, home rule sales tax, water fees and detention variance fees.

Commissioner Tully stated for clarification that the detention variance fee is more commonly known as the Stormwater Impact Fee.

The Mayor said this is direction for next year's budget. This does not exclude other options including public debt. He explained that this does not address all of the issues.

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

Votes: Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Stormwater Sewer Watershed Improvement Plans

8. Mayor's Report

New Business

Materials to be Placed on File

RES 00-02993 Resolution: Appointments to Boards and Commissions

Sponsors: Mayor

Summary of Item: COMMUNITY EVENTS COMMISSION

Appoint Kelsey Graczyk to a one-year term ending August 31, 2008

COMMUNITY GRANTS COMMISSION

Appoint Hannah Degen to a one-year term ending August 31, 2008

Reappoint Patricia Winter to a three-year term ending August 31, 2010

HUMAN SERVICE COMMISSION

Appoint Catherine Rivera to a one-year term ending August 31, 2008

Appoint David Dahm to a three-year term ending August 31, 2010

ZONING BOARD OF APPEALS

Appoint Joe LaMantia and Marge Earl to three-year terms ending August 31, 2010

RESOLUTION APPOINTING AND REAPPOINTING
MEMBERS TO VILLAGE BOARDS AND COMMISSIONS

RESOLUTION 2007-98

The Village Clerk read the Resolution.

Commissioner Neustadt said he had the opportunity to interview the youth members and adults for the Community Events and Community Grants Commissions. He noted that the number of youth member applicants was double the number received last year. He said that both Ms. Winter and Mr. Dahm have served the Village previously.

Commissioner Tully said, with respect to the youth members, he applauds the quality of the individuals who have applied. They are very highly qualified students and it was a difficult call as to whom to recommend. He regrets that all of them could not be appointed. He said that staff is looking for ways to involve all of the students in community work. He congratulated Kelsey on her appointment.

The Mayor extended his apologies to Katy Ericson for encouraging her to apply but unfortunately, she is a senior. She would have done a great job and he is hopeful that after she completed her college education she will consider coming back and serving in other capacities in the Village.

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

Votes: Yea: Commissioner Schnell, Commissioner Tully, Commissioner Waldack, Commissioner Durkin, Commissioner Beckman, Commissioner Neustadt and Mayor Sandack

Indexes: Boards and Commissions

9. Manager's and Directors' Reports

The Manager said that staff is working on the website to include construction information.

10. Attorney's Report

Future Active Agenda

11. Council Member Reports and New Business

Commissioner Tully congratulated Dr. Gordon Goodman on his selection as the Chambers' Citizen of the Year. The Black and White ball held last weekend was a spectacular event.

Commissioner Tully then reminded everyone that the Downers Grove Police Department will hold their annual awards ceremony on Thursday, September 27 at 7:00 p.m. He said that it will be televised, and encouraged the public to participate.

Commissioner Schnell said that the first meeting of the Legislative Committee of the DuPage County Mayors and Managers will be held on Tuesday. If the Village is interested in submitting any information for an action plan, it needs to do so by Friday.

Commissioner Neustadt said he attended the Passport to Safety Day, which was a fun day for both young and old.

Mayor Sandack said he attended the Black and White Ball and it was a great event. He also attended the Arlington Racetrack event for the Downers Grove Infant Welfare Society, which was a wonderful event for a great cause.

The Mayor then distributed an article to the Council members from the October issue of Chicago Magazine regarding the ethics ordinance. The relevant portion is on page 90. He encouraged the Council to review it.

12. Adjournment

Commissioner Tully moved to adjourn. Commissioner Durkin seconded.

VOTE: YEA - Commissioners Tully, Durkin, Beckman, Neustadt, Waldack, Schnell, Mayor Sandack

Mayor Sandack declared the motion carried and the meeting adjourned at 7:48 p.m.