

**MINUTES OF WORKSHOP MEETING**

**DOWNERS GROVE, ILLINOIS**

**JULY 22, 2008**

Mayor Sandack called the Workshop meeting of the Village Council of the Village of Downers Grove to order at 7:00 p.m. in the Council Chambers of the Village Hall. The Mayor led the audience in the Pledge of Allegiance to the Flag.

Present: Mayor Ron Sandack; Commissioners Marilyn Schnell, Commissioner Martin Tully; William Waldack, Sean P. Durkin (arrived 7:30 p.m.), Geoff Neustadt, Bruce Beckman; Acting Village Manager Dave Fieldman; Village Attorney Enza Petrarca; Village Clerk April Holden

Absent: None

Visitors: **Press:** Catherine Leyden, Downers Grove Reporter  
**Residents:** Jim Kohlszadt, 2100 Clearwater Drive, Oak Brook; Ken Kosakowski, 751 Bolingbrook Drive, Bolingbrook; Mary Lohrmann, 828 Lincoln Street; Anthony M. Guercio, 4537 Washington Street; Lynne Marley, 4537 Washington Street; Jim Russ, 4915 Main Street; Lisa Stach, 3736 Candlewood Court; Christine Fregeau, 1918 Elmore Avenue; Andrew Clark, 1226 62<sup>nd</sup> Street; John Schofield, 1125 Jefferson; Bill Wrobel, 7800 Queens Court; Margie Blondell, 1032 62<sup>nd</sup> Place; John LeDonne, 1930 55<sup>th</sup> Place; Marge Earl, 4720 Florence; Brad Parkinson, 1036 62<sup>nd</sup> Place

**Staff:** Megan Bourke, Management Analyst; Brandon Dieter, Management Analyst; Robin Weaver, Interim Director, Public Works; Mike Millette, Assistant Director, Public Works; Judy Buttny, Director, Finance; Mary Scalzetti, Director, Community Events; Mike Baker, Assistant Village Manager; Doug Kozlowski, Director, Communications

Mayor Sandack explained that Council Workshop meetings are held the second and fourth Tuesdays at 7:00 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**

1. Active Agenda and Informational Items

- a. **Final Plat of Subdivision for 5532 and 5540 Main Street.** Acting Village Manager Dave Fieldman said this is a resolution for a Final Plat of Subdivision for property located at 5532 and 5540 Main Street that will subdivide two parcels into three parcels. He asked Community Development Director Tom Dabareiner to speak to this matter.

**Tom Dabareiner**, Director, Community Development, depicted the area on an overhead map. The house on the southern portion of the property would be demolished. The house on the northern portion would remain. As a result of dividing the two lots into three, the house at 5532 Main Street would be considered non-conforming in that the side yard setback would be five feet rather than the required ten feet. All other dimensional requirements are met. The Plan Commission considered this petition on July 7, 2008 and recommended unanimous approval. Staff concurs with the Plan Commission recommendation.

The Mayor noted that Commissioner Durkin is expected at 7:30 p.m. He has been delayed due to work obligations.

**Commissioner Beckman** asked about the height requirement for non-conforming structures if a second story were added.

Mr. Dabareiner said the height is restricted to 22 feet and the setback requirement would be 10 feet.

In response to Commissioner Waldack, Mr. Dabareiner said that a new roof would be considered an expansion of a non-conforming structure and would not be permitted.

In response to Commissioner Neustadt, Mr. Dabareiner said the petitioner would have to submit plans before the demolition permit would be issued.

**Commissioner Schnell** asked if there are stormwater mitigation requirements.

Mr. Dabareiner said there are not.

Mayor Sandack said the properties are zoned R-3, Single Family Residential. There is a request for a five foot setback rather than the ten foot setback requirement. The structure would be considered legal non-conforming. He noted that all other criteria have been met.

b. **Special Use for a Contractor's Shop and Office in an ORM Zoning District at 5106 Walnut.** The Manager asked Mr. Dabareiner to discuss this item.

Mr. Dabareiner said the petitioner is seeking to consolidate four facilities on this site. He depicted the area on a location map. It is in the Ellsworth Industrial Park and is the former site of the State of Illinois vehicle emission testing station. The petitioner is seeking to use the building and site as it currently exists with no major improvements, and is proposing to park equipment, trailers, and trucks on the existing asphalt parking area. The equipment and vehicle parking area will be screened with an eight-foot high fence. The Plan Commission considered this matter on July 7, 2008 and recommended unanimous approval of the request. Staff concurs with the Plan Commission recommendations.

**John Schofield**, 1125 Jefferson Avenue, said the area includes a grassy detention pond that could be a temptation for storing equipment. He suggested that the detention pond be unfenced. If a fence surrounds the property, no will would be the wiser if the detention pond was used for storage.

Commissioner Schnell asked about the ability to do maintenance work on the site.

Mr. Dabareiner said the petitioner could do minor maintenance such as changing the oil, but not major work.

**Jim Kohlszadt**, attorney representing the petitioner, said his client does not perform heavy maintenance work.

**Commissioner Neustadt**, in response to Mr. Schofield's concern, referenced one of the conditions of the Plan Commission's recommendations, as follows: "All equipment, trailers and vehicles shall be parked on a paved surface. Any material storage shall take place on a paved surface. No materials, equipment, trailers, vehicles or material storage may occur within the detention basin."

In response to Commissioner Waldack, Mr. Dabareiner said if the petitioner used the detention pond for storage, the Village issue would tickets and eventually could revoke the special use permit.

Commissioner Beckman noted there are car stalls on the property and asked as to the plan for the stalls.

Mr. Dabareiner said the petitioner does not intend on making any changes. The only storage is overnight storage of equipment needed for job sites the next day.

The Mayor said the Plan Commission recommended approval with conditions. There is a similar use in the area. This meets the criteria under Chapter 28.1902(a) and (b) of the Zoning Ordinance of the Municipal Code.

### 3. Consent Agenda Items

- a. **Bid: 2008 New Sidewalk Program.** The Manager said the original version of the agenda did not include this item. He apologized for the oversight. This matter is a request to award a contract for the 2008 new sidewalk program to G&M Cement Construction of Addison, IL, in the amount of \$421,252.90. He asked Mike Millette, Assistant Director, Public Works, to address this matter.

**Mike Millette**, Assistant Director, Public Works, said this bid was begun in the spring. The matrix was reviewed. A couple of segments were shifted from the matrix due to concurrent work on the Watershed Infrastructure Improvement Project. Surveying work was done earlier this year. The design work was completed and ready for public review and comment for a meeting in May attended by 60-70 people. Changes were made based on public input. In no case was the proposed side of the respective street changed, but in several cases trees were avoided and grade changes were made to minimize retaining walls and driveway impacts. Staff recommends that the 6<sup>th</sup> Street segment not be awarded due to the cost increases and the bid being over the budgeted amount.

Mayor Sandack said the Village has a long-standing policy with respect to the installation of sidewalks on at least one side of every street throughout the Village. Some people don't like the policy, but he believes the policy is supported by the majority of residents. It is the hallmark of this Council and earlier Councils to stay the course with respect to this policy. Staff has been proactive in communicating with the residents of neighborhoods.

## DRAFT

**Lynne Marley**, 4537 Washington Street, said she has a sidewalk on her side of the street. If there are any changes, she would like the opportunity to review the plans.

Mayor Sandack noted receipt of a letter on behalf of Ms. Marley. If there are changes, he asked staff to notify Ms. Marley.

**Brad Parkinson**, 1036 62<sup>nd</sup> Place, said the sidewalk will be 15 feet from his house. He asked about the sidewalk being placed on the north side of the street.

The Mayor responded that there is a list of criteria, including connectivity to schools, parks, etc. He asked Mr. Millette to talk with Mr. Parkinson. In further response to Mr. Parkinson, the Mayor noted that the Council and staff are cognizant of the Village's trees and will work to save as many trees as possible.

Mr. Parkinson said that his property has flooding problems and he has done extensive work to address this.

The Mayor said he does not feel the installation of this sidewalk will impact flooding issues and again referred Mr. Parkinson to Mr. Millette.

**Chris Fregeau**, 1918 Elmore, said she is always happy to see this matter come forward. She hopes to see work accomplished this year. She noted that the matrix on the Village's website is out of date. She commended Public Works in terms of their willingness to work with neighbors, and she referenced efforts of staff to save trees. Regarding the bid tabulation, Ms. Fregeau questioned amounts for the retaining wall, traffic control, water surface boxes, etc. She said she is concerned that the sidewalk projects will always be 10 to 15 years out. Last year the estimate was \$33/linear foot. In the past it has been as much as \$70/linear foot and is currently over \$33/linear foot. There is a need to economize and look for ways to bring costs down.

The Mayor asked Mr. Millette to look at the questions raised by Ms. Fregeau. He noted this was competitively bid and references were checked.

**Margie Blondell**, 1032 62<sup>nd</sup> Place, said she is concerned with the 16 foot setback along her area. There are very big trees in this area. She asked why alternatives were not being considered. She asked about the plan to plant trees.

The Mayor said the Village has an arborist and generally there is a plan to replace trees that have to be removed in order to install sidewalks.

Ms. Blondell asked if the Village would take care of any trees damaged as a result of sidewalk installation.

Mayor Sandack responded affirmatively. He said the goal is to put in sidewalks that work, look good and connect neighborhoods. There are a number of competing interests and elements that must be taken into consideration.

Ms. Blondell said she is new to the area and trees were a consideration when purchasing her property.

## DRAFT

Commissioner Schnell the Village had a bad experience approximately ten years ago with a contractor removing mature trees. She wants to be sure that this is not the contractor used at that time.

Commissioner Neustadt said placing sidewalks on one side of every street in the Village is a great idea. It is not safe to walk in the streets. Staff will work hard to work with the people in the neighborhoods. He supports the policy and noted that sidewalks add value to the Village.

Commissioner Beckman said the element of safety is vital. While sidewalk installation is disruptive, it adds value and is a safety matter.

**Commissioner Tully** said Public Works held an open house on May 19, 2008 to discuss sidewalk segments. The drawings were very helpful. At that time, modifications were made to the plans. He asked to see the updated plans as they would be useful in answering questions. He noted that this is 12,000 feet of linear sidewalks and nearly \$500,000.

Commissioner Tully said the next step will be to chalk the area so residents can see what the sidewalks will look like before they are installed. He agreed with Commissioner Schnell as to the need to check the contractor's references.

Commissioner Tully said he understands the increase in fuel and steel costs. He noted that a large number of the over budgeted items are not cement related. He asked for more information.

The Mayor said the Council will not meet next week. He asked for an elaboration on the bid and the lowest responsive, responsible bidder.

Manager Fieldman said staff will work to get the revised plan on the website in the next few days.

- b. **Stormwater Cost Share Program.** The Manager said this is a motion requesting an increase in the amount in the stormwater project cost share program for 2008 from \$5,000 to \$50,000. He asked Robin Weaver, Interim Director, Public Works, to elaborate on this item.

**Robin Weaver**, Interim Director, Public Works, said the Stormwater Cost Share Program is budgeted at \$5,000. This is a request for a budget amendment. She noted the policy was last modified in 1998 and probably needs to be updated. The current program is \$1,000 reimbursable per project to neighbors who want to participate together to create some improvement on their private property leading to public facilities to improve their drainage issues. The request for \$50,000 in the budget amendment includes the public portion of the work. She gave an example of a project on Linscott where the public cost to assist the private improvement was to carry the line through the parkway to the street to an existing inlet. Where there is no infrastructure nearby, the line may have to be extended a few hundred feet to an inlet. Support ranges from technical assistance and recommendations to homeowners to extension of public improvements. The cost share program and the cost of the public improvements are both included in this request for a budget amendment. There have been suggestions that the reimbursable portion of the program be increased, but Ms. Weaver said she is not requesting that at this time. Staff regularly provides technical assistance to homeowners in a variety of ways. One of the goals of the Watershed Infrastructure Improvement Plan (WIIP) is to have public infrastructure within 200 feet of each residence. This program helps meet that goal more quickly than just the WIIP projects.

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Ms. Weaver said she was asked if these areas are high or medium priority areas. In most cases, they are not WIIP projects as they affect only a small number of people.

Mayor Sandack said even \$50,000 is probably too little given the interest and need in this program, but staff has proactively addressed this. This is an incentive to make improvements on private land. The Mayor said he is in full support of this.

Commissioner Schnell said she was on the Council in 1998 when this was enacted. The intent at that time was to assist five property owners with \$1,000 each. This amendment proposes to still help only five residents. She would like to increase the funding to \$10,000 to help ten property owners, but keep the public portion in the Stormwater Fund. Combining these funds creates confusion and a false impression. This program was set up for the private portion of projects and she would like to see that clearly identified as a budget item.

**Commissioner Waldack** agreed with Commissioner Schnell. In reading through the materials, he thought the Village would be helping 35 people. He would like to segregate the private portion so residents know how much money is there.

The Mayor noted that this program only helps a few people.

Commissioner Beckman referenced the following sentence from tonight's report: "There are currently requests for projects that include \$35,000 worth of Village reimbursements."

Ms. Weaver corrected this to be "\$35,000 worth of Village costs."

Commissioner Beckman said that while this only affects a few people, we are a community. He referenced a situation in his neighborhood where this program was used to improve a stormwater problem.

- c. **Change Order No. 2: Maple/55<sup>th</sup> Water Main Replacement.** The Manager said a contract was awarded on June 19, 2007. A County permit, which has not yet been issued, is required as this is a County road. This matter relates to a change order to address increased fuel costs. Staff recommends approval, although Council could direct staff to re-bid the project.

Commissioner Waldack said there was a lack of information on this item. Earlier there was a 14% reduction in the contract. Now there is a 9.5% increase. He is not sure this is all for fuel. He noted the Village has had to absorb increased fuel costs. He said he would like to see better calculations or have this re-bid.

The Mayor said he would be fine with re-bidding this.

Commissioner Schnell asked how long the re-bidding process would delay the project.

The Mayor reminded Council that the Village still does not have the County permit.

Mr. Fieldman said the bidding process would take six weeks and the project would probably be moved to next year.

**Commissioner Durkin** recommended re-bidding this on an expedited basis.

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Commissioner Beckman asked what the Council hopes to gain by re-bidding this.

The Mayor said the hope is to gain savings, although it is unclear what the results will be.

Mr. Fieldman said staff performed a risk/rewards analysis and recommends the change order. He said staff will be glad to re-bid this if that is the Council's request.

The Mayor said no one can predict when the County permit will be issued.

Commissioner Schnell asked for more information from the contractor.

The Mayor said Council has two weeks before voting on this.

Commissioner Tully said \$130,000 is a significant amount of money. He is hearing that staff has already analyzed this, but Council has not had the benefit of their analysis. He asked for the information staff has reviewed.

Commissioner Waldack said he is uncomfortable making a decision based on the information provided.

The Mayor asked that this be placed on the August 5, 2008 agenda.

- d. **First Amendment to License Agreement with Nextel West Corporation.** The Manager said this is authorizing approval of a first amendment to a license agreement with Nextel Communications to install, maintain and operate antenna equipment on Village property at 1037 Summit. The current agreement involves the Village receiving credits for Nextel products and services in exchange for Nextel's rent on the water tower antenna lease. This amendment changes the method of payment, not the amount.

Commissioner Durkin asked as to the number of towers used by Nextel.

**Enza Petrarca**, Village Attorney, said they have equipment on two towers, but they have merged with Sprint who has equipment on most of the Village towers.

Commissioner Durkin asked if this only applies to the tower on Summit.

Ms. Petrarca said this would just cover the Summit tower and is the only agreement that provides for credit.

Commissioner Beckman said this Village pays approximately \$8,000 in monthly fees for existing Nextel cell phone service. He asked if this amendment will give the Village the opportunity to evaluate the cost-effectiveness of existing service.

**Mike Baker**, Assistant Village Manager, said staff does a cost-savings analysis on an on-going basis.

Commissioner Beckman said this is a month-to-month agreement.

Commissioner Waldack said Nextel wants to renegotiate this contract and they are not being efficient. He wants to be sure they conform to the contract. Otherwise, staff should make the tower available to other cell phone providers.

Commissioner Beckman asked if the Village has multiple users on towers.

Attorney Petrarca said that is correct.

The Mayor said this is a method of lease payments. This amendment provides for cash instead of credit. It does not make sense to tie our service to this.

Commissioner Waldack said we are rewarding them for being inefficient.

Commissioner Schnell verified that the amount of money the Village will receive is the same.

Attorney Petrarca said the Village will be receiving a check instead of a credit on our bill. The Village is not losing money.

Commissioner Waldack asked about the 4% clause in the agreement.

Ms. Petrarca said the initial agreement calls for annual increases of 4%.

- e. **Participation in the Illinois Department of Central Management Services (CMS) Federal Assistance Program.** The Manager said will authorize participation in the Illinois Department of Central Management Services Federal Assistance Program. This program allows staff to purchase surplus federal equipment at reduced prices.
- f. **Bid: 2008 CBD Paver Crosswalks Upgrade.** The Manager said this is to authorize a contract for the 2008 CBD paver crosswalks upgrade to A&R Cement in the amount of \$51,000. This is the second year of a three-year plan to upgrade pavers.

The Mayor asked why there were only two bidders, with big differences between the bids.

Mr. Millette said the high bidder is primarily a sewer and water contractor. They bid on the project because they are working in town.

## **MANAGER'S REPORT**

Mr. Fieldman spoke in regard to the bond issuance for the Watershed Infrastructure Improvement Plan. The negotiated sale was held today and \$25 million of general obligation bonds was sold pursuant to the parameters ordinance passed by the Council at a 4.78% true interest cost. All the debt service payments conform to the parameters ordinance. It also included \$3.9 million of refunding of existing bonds, which results in a net present value savings of \$125,000 to the Village. The closing is scheduled for August 13, 2008.

The Mayor said he is pleased it went well, particularly with respect to refunding of existing bonds. The decision to do a negotiated sale was a success and served the Village well.

**Doug Kozlowski**, Communications Director, announced a Village-wide mosquito spray on Wednesday, July 30, 2008, weather permitting. Spraying will begin at approximately 9:00 p.m. and all streets in incorporated Downers Grove will be completed by early dawn. The Village has contracted with Vector Disease Control to conduct this spraying. It is recommended that residents keep the doors and windows of their homes closed while the spraying is being done. If residents have questions, they should call Vector Disease Control at 1-800-413-4445.



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Information about the spraying is available on the Village's website and various media outlets. In the event of rain, spraying will occur on July 31.

Commissioner Schnell said staff used to have a list of those with medical conditions who should not be exposed to the spraying.

Mr. Kozlowski said that list has been forwarded to Vector.

### ATTORNEY'S REPORT

Village Attorney Enza Petrarca said she was presenting four items to the Council: 1) An ordinance authorizing a special use to permit a contractor's shop and office at 5106 Walnut Avenue; 2) A resolution approving the final plat of subdivision for Haider's Main Street Subdivision; 3) A resolution authorizing participation in the State of Illinois Federal Surplus Property Program; and 4) A resolution authorizing execution of a first amendment to license agreement between the Village of Downers Grove and Nextel Communications to install, maintain and operate antenna equipment on Village property.

### COUNCIL MEMBERS

Commissioner Durkin apologized for being late for this evening's meeting.

Commissioner Beckman said last week *Money Magazine* published their list of 100 best cities to live in. He noted that the cutoff for inclusion in this is 50,000 people and Downers Grove has only 49,100 people. In comparing the criteria to Downers Grove, the Village compares very favorably.

Commissioner Neustadt thanked people for attending the Coffee With The Council and the Downtown Downers Grove market.

Commissioner Waldack said the Finance & Administrative Standing Committee met yesterday. He and Commissioner Durkin attended the meeting along with Village staff and staff from our auditors, Sikich. They discussed the auditor's management letter. Staff has eliminated some items and is working on others. He and Commissioner Durkin were pleased. Items concerning checks and security deposits are being addressed. Some of the items require Council policy which will be brought forward shortly. Other post-employment benefits is another item that will come before the Council.

Mayor Sandack said staff did a remarkable job with respect to addressing the management letter this year.

Commissioner Schnell congratulated staff on the bond sale.

Commissioner Tully also extended his congratulations on the bond sale. He thanked residents who came to the Coffee With The Council and thanked the Indian Boundary YMCA for the use of their tent.

Mayor Sandack said Council is overseeing the stormwater plan, but staff is handling the steps related to implementation. Staff has done an excellent job. All of the steps taken with respect to stormwater plan – financing noticing, putting together the top 15 projects, numerous neighborhood meetings and other aspects – discussed tonight are a continuing gigantic challenge

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Council is overseeing, but it is staff that is undertaking the effort. Today's effort, with respect to the funding component, was a great accomplishment and an excellent product inured to our community's benefit including refunding \$125,000 in interest. This is a continuing effort to do more with less and to be mindful and cost-conscious as we go into next year's budget.

### **ADJOURNMENT**

The Mayor reminded everyone that the next Council meeting is scheduled for August 5, 2008.

There being no further discussion, the Workshop meeting was adjourned at 8:37 p.m.

April K. Holden  
Village Clerk