

MINUTES OF WORKSHOP MEETING

DOWNERS GROVE, ILLINOIS

SEPTEMBER 9, 2008

Mayor Ron Sandack called the regular meeting of the Village Council of the Village of Downers Grove to order at 4:30 p.m. in the Committee Room of the Downers Grove Village Hall.

Roll Call: Present: Mayor Ron Sandack, Commissioners Marilyn Schnell, Martin Tully, Sean P. Durkin, William Waldack, Geoff Neustadt, Bruce Beckman

Absent: None

1. Executive Session to discuss personnel matters – Committee Room (4:30 p.m.)

Commissioner Tully moved to go into Executive Session pursuant to Section 2(c)(3) of the Illinois Open Meetings Act to consider the selection of a person to fill a public office. Commissioner Durkin seconded the Motion.

VOTE: AYE – Commissioners Tully, Durkin, Beckman, Neustadt, Waldack, Schnell and Mayor Sandack

NAY - None

The Mayor declared the Motion carried and the Council convened into Executive Session in the Committee Room at 4:35 p.m.

Mayor Sandack reconvened the Workshop meeting of the Village Council of the Village of Downers Grove at 7:10 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, Martin Tully, William Waldack, Sean P. Durkin, 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: John Mayer, Engineering Resources Associates, 3S701 West Avenue, Suite 150, Warrenville; Marty Michalisko, Engineering Resources Associates, 3S701 West Avenue, Suite 150, Warrenville; Frank Falesch, 820 Prairie; Greg Bedalov, DGEDC, 2001 Butterfield; Doug McClellan, Siebert Engineers, Inc., 4951 Indiana Avenue, Lisle; Sonny Mehraban, Premier AutoHaus, 2501 Ogden Avenue; Andy Clark, Downers Grove Watch, 1226 62nd Street; Christine Fregeau, 1918 Elmore Avenue; Mark Thoman, 1109 61st Street; Marge Earl, 4720 Florence Avenue
Staff: Robin Weaver, Interim Director, Public Works; Andy Matejcak, Director, Counseling and Social Services; Judy Buttny, Director, Finance; Mike Baker, Assistant Village Manager; Tom Dabareiner, Director, Community Development;

Steve Sanderson, Budget Officer; Brandon Dieter, Management Analyst; Mike Millette, Assistant Director, Public Works; Megan Bourke, Management Analyst

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

2. Active Agenda and Informational Items

- a. **Bid: Prairie Avenue Reconstruction and Resurfacing (Stage 1) – waive the one-week waiting period.** Acting Village Manager Dave Fieldman said the amount of this project is \$2.4 million and staff recommends awarding the bid to J.S. Riemer. The segment of work is from Belmont to Forest on Prairie, and staff has requested waiving the one-week waiting period to allow this project to be completed this season.

Commissioner Schnell commented that this is probably the worst street she's been down. She has concerns about waiving the one-week waiting period, and asked if this should be done, or are they trying to do too much too soon. She asked whether they are allowing enough time for each stage before proceeding with the paving. She said she has learned the importance of compaction from the residents.

Mike Millette, Assistant Director, Public Works, said that there are parts that have already been reconstructed. The western section has been done for 2-1/2 to 3 weeks. The eastern section will have been done for 2-1/2 to 3 weeks by the time the paving starts. The compaction has also been tested. He explained that any soft areas would be redone. So far, compaction reports are fine and they would like to see this street passable by the winter.

Commissioner Schnell asked about the pipes on the roadway, and whether they have to go in before paving. Mr. Millette responded that they do have to go in and are intended for this section of street. If this were a normal construction bid it would be done in stages; however, in this case the Village controls the schedule. He said that it is flowing almost seamlessly. Commissioner Schnell questioned whether water lines have to be tested. Mr. Millette further responded that yes, they must be tested and that is being done. He stated that there is enough time for the preliminary work to be completed.

Mr. Millette said that this can be let as a local contract, and it will be at least one week before the State approves the contract. He noted that the contractor couldn't start before September 15. They would finish the east end, and paving would start at the west end.

Commissioner Beckman said that he fears they will go through another winter with Prairie Avenue in its current state. Mr. Millette said they are looking at a 60-day construction period, up to Thanksgiving.

Commissioner Tully asked if the alternative would be to leave Prairie as is for six months. Mr. Fieldman said that would be the alternative, or they would look at patching the roadway. Commissioner Tully responded that this project is long overdue. It was held up primarily by issues with the State.

The Mayor agreed that this is about one year in arrears, and staff has gone beyond expectations in attempting to accomplish this. He does not think there is any legitimate basis to wait. This will be substantially completed with a passable road, and he supports continuing to go forward.

- b. **Special Use with Zoning Variation, Final Plat of Consolidation for 2501 Ogden Avenue.** The Manager asked Tom Dabareiner, Director, Community Development, to discuss this item.

Tom Dabareiner, Director, Community Development, said that this is a request for two ordinances and a resolution for a special use for a parking lot expansion, with a zoning variance for a transitional yard setback. The ordinance would restrict outbound traffic, and the resolution approves the final plat of consolidation. He showed the location on the overhead and the area calling for a variance. Mr. Dabareiner said this project would close the curb cuts along Ogden Avenue with a new exit for right-bound traffic only. Also shown in the Powerpoint presentation were the landscape plan and the off-street unloading area. Mr. Dabareiner indicated that the bulk requirements have been met, with the exception of the transitional yard setback. The Plan Commission voted unanimously for approval and staff concurs with that recommendation.

Commissioner Neustadt asked about enforcement of the traffic on Cross Street, and he also asked for a route for test driving cars.

Commissioner Waldack noted that the fee in lieu of is reviewed based on the Village's requirements, and wanted clarification that the fee would match the actual costs. As for the Plan Commission minutes, Commissioner Waldack asked about the IDOT contact for the intersection of Cross and Ogden Avenue. He understood that the staff would be making contact personally with IDOT, and he feels that the contact should be made. Mr. Fieldman said that it is staff's intention to follow up any representation that is made, and they will follow up with IDOT.

Commissioner Schnell questioned the unloading plan and whether trucks will be prohibited from coming onto Cross Street. Mr. Dabareiner said that they would not. They can go out on Cross Street, but would be allowed to make right turns only.

Commissioner Tully said that this is an easier request in part because of the Ogden Avenue Master Plan. He said that the Council is being asked to approve a Special Use, and the property is already being used for the same special use. The zoning variances requested are in regards to the setback. Commissioner Tully said that this property is already a legal nonconforming site, and the developer wants to keep what is already there. He noted that the variation requested does not affect anyone adversely. This request meets at least five of the goals of the Ogden Avenue Master Plan. It consolidates the lots, reduces the curb cuts, improves the stormwater, and provides additional greenspace and sidewalk improvement. He said this was an easy request to support.

The Mayor added that this was an example of good planning.

- c. **New Intersection Control: Yield Sign on Florence Avenue at Sheldon Avenue.** The Manager said this was reviewed by the Transportation and Parking Committee. Florence Avenue would yield for Sheldon Avenue.

Marge Earl, 4720 Florence Avenue, asked that this be made a permanent situation.

Commissioner Beckman asked what a warrant is. Staff provided him with information regarding the factors for a warrant which include vehicle trips, posted speed limits, actual speed of drivers, bikeways, intersection configurations, topography, pedestrian use, street width, accident history, curves/hills, etc. Commissioner Beckman said he supports this and understands why the neighborhood would support this control.

- d. **Disposal of Surplus Vehicles and Equipment.** The Manager said this is the DuPage Mayors and Managers auction. He clarified that the Village did not purchase a BMW, but it was seized by the Police. He said the bids listed are minimum bids, and they expect to have sales prices above the minimum.

Commissioner Waldack said he would like a final report of the sales.

Commissioner Durkin asked if there is an opportunity for the Village to utilize some of the vehicles and reserve other funds to purchase vehicles. Mr. Fieldman responded that the Village follows planned vehicle replacement policies. It minimizes the costs. They may want to delay the purchase if there are budget issues. Keeping these vehicles would lead to more costs in maintenance, and therefore they recommend disposal of the vehicles. Commissioner Durkin said that he was looking at a creative financing opportunity by postponing the purchases.

Commissioner Schnell concurred with Mr. Fieldman's comments regarding cost effectiveness. Mr. Fieldman further said that studies regarding the vehicles would be forthcoming.

Commissioner Tully noted that the vehicles to be sold are gas guzzlers. Those to be discussed later are CNG vehicles.

- e. **Vehicle Seizure and Impoundment of Vehicles.** The Manager said seizure and impoundment would only take place if a license has been expired in excess of twelve months.

Commissioner Waldack said he earlier asked what happens to the drivers most of the time. Staff responded that drivers have the ability to post bond and are then released. If the vehicle is not impounded, the unlicensed driver can realistically go back to his vehicle and drive it away. This ordinance makes very good sense. As for the towing situation, he asked that it be monitored so that towing companies used are reputable.

- f. **Citation and Settlement in Lieu of Prosecution.** The Manager said this authorizes the issuance of a citation in lieu of filing a complaint in court to persons who sell tobacco to minors.

Commissioner Neustadt asked whether the citation is taken to Field Court

Village Attorney Enza Petrarca said no, the offender could pay it at Village Hall. If not paid in ten days the fine is doubled, and then referred on to Field Court.

Commissioner Schnell asked if this mechanism is viewed as seriously as a ticket. Attorney Petrarca said it is a serious offense. It is only intended to improve officer efficiencies. Multiple citations can be issued.

Commissioner Waldack said that they might want to consider raising the fine from \$75 to \$100 to denote the seriousness of the offense.

The Mayor said it is within the Council's purview to establish the fine. Attorney Petrarca said that staff would support the increased fine.

Commissioner Beckman asked about habitual offenders and at what point escalation kicks in. Attorney Petrarca said this does not remove the ability to use the formal booking process when warranted. It would be up to the officer's discretion.

g. **Ethical Standards – Ordinance Amendment.** The Manager said this names the Village Attorney as the Village's Ethics Officer.

Mark Thoman, 1109 61st Street, said that the Village Attorney provides advice to the Council and that creates an Attorney/Client privilege. His concern was that the Village Attorney might have to breach that Attorney/Client privilege at some point. He referred to the State's Ethics Commission, saying that the courts do not have a body of case law on this matter at this time. In the course of the Attorney/Client privilege, if there was an accidental or intentional disclosure of ethics violation, the Attorney might have to prejudge in order to know if there is a possible violation, which may constitute an undue burden on the Village Attorney. He recommended keeping the Ethics Commission as an option. Mr. Thoman said he thinks that the municipal attorney should act as an advisor, which would be in the spirit of the Downers Grove ordinance. He recommended revisiting the idea of a resident/staff volunteer ethics commission.

Commissioner Neustadt said he would support the ordinance as presented. The Ethics Officer provides opinions, and it is important to note that they need someone to provide information. He sees it as important to have this on the books.

Commissioner Beckman also stated that he would support the ordinance. He noted that the Council can seek outside counsel or refer matters to the DuPage County's State's Attorney if necessary, consistent with past practice.

Commissioner Waldack commented that in cases that involve Council members the language be strengthened to say they "shall" contract with an outside person or entity to perform the duties of the Ethics Officer. He didn't question the ethics of the Village Attorney, but because of the Employer/Employee relationship, he thought it best to have an outside person involved when the situation warrants.

Commissioner Schnell asked if there would be information provided to the Council candidates for clarification as to what is required of them.

Ms. Petrarca said we can include the ethics policy. She noted that the policy would not apply to candidates prior to being elected.

Commissioner Tully said this is a loose end that needed to be addressed, and he supports it as framed. Under the Village's current ordinance, the Ethics Officer has no enforcement ability. They refer an individual who may be suspect to the States' Attorney's office. He said that to date the Ethics Ordinance has not been tested. He is reluctant to set up a Commission to meet occasionally. He further cautioned against having the Village Attorney dispensing legal advice to candidates. They should be responsible for obtaining their information from their own legal counsel.

Mayor Sandack said that the model rules referenced by Mr. Thoman are good rules. The majority of municipalities have decided to use single ethics officers. Illinois Municipal League and other groups have addressed in-house ethics officers. He referenced the role of the State's Attorney's office and the Attorney General's office in situations involving ethnics. The Mayor said that the Village Attorney works for the Village Council collectively. This is a practical and usable step and he will support this initiative.

- h. **Long Range Financial Plan – Draft.** The Manager said this is a draft, and the Council will have ample opportunities to discuss this in the future. He recommended that this be placed on the September 23 Workshop Agenda.

3. Consent Agenda Items

- a. **Community Development Block Grant (CDBG) Applications.** The Manager said a public hearing has been noticed for September 16, 2008 regarding the submission of three 2009 CDBG applications to the DuPage County Community Development Commission. The applications are for \$38,537 for the Prentiss Creek Neighborhood Resource Center, \$150,000 for the Prentiss Creek street light project, and \$45,051 for the removal/replacement of trees susceptible to emerald ash borer. The total cost of the three projects is \$447,222 and the grant request is \$233,588.
- b. **Professional Services Agreement – Consultant for Stormwater Review Services.** The Manager said staff is recommending a three-year professional services agreement with Engineering Resource Associates, Inc. (ERA) of Warrenville, IL for on-call consultant services for the technical review of stormwater and wetland issues associated with development projects. The Village conducted a competitive request for proposal process in which seven firms responded and three firms were selected for interviews. The Village uses contractual help to review stormwater aspects of development projects, including permits. He outlined ERA's qualifications.

Commissioner Schnell asked if this only for stormwater review or if it includes special management areas.

Mr. Fieldman said he thinks it includes special management areas, but will clarify that.

- c. **Illinois Department of Transportation Intergovernmental Grant Agreement.** The Manager said staff is requesting an intergovernmental grant agreement with the Illinois Department of Transportation for traffic enforcement as part of the Illinois Safe Routes to School Program. This grant would provide \$12,000 to support the purchase of portable electronic speed monitoring devices.

Commissioner Neustadt asked if these can be part of the traffic calming tools. Mr. Fieldman answered affirmatively.

Commissioner Tully asked if there is a list of areas that have been identified as part of this program that need to be enhanced in terms of signage, paving, etc. Mr. Fieldman said he would have staff provide that information.

- d. **SCADA System Radio Design and Installation.** The Manager said staff is requesting a contract for SCADA System Radio Design and Installation Services with Baxter & Woodman Control Systems Integration of Crystal Lake, IL, in the amount \$75,500. This recommendation is the result of a comprehensive request for proposal process. The radio system would replace using telephone lines to send water distribution reports from remote locations to the Public Works Facility. The SCADA system is estimated to last 10-15 years.

Commissioner Schnell asked about reports regarding the Automated Meter Reader program. Council was told reports would be issued on a regular basis, but there has not been a report in years.

Commissioner Beckman said he agrees with this request. The old network has been outdated for years and is costly to the Village.

- e. **Bid: Purchase of Water Service Truck.** The Manager said staff is requesting approval of the purchase of a 2009 Freightliner MT-55/Utilimaster water service truck from TransChicago Truck Group of Elmhurst, IL in the amount of \$170,206. This was competitively bid. This purchase will replace the existing truck.

Commissioner Durkin noted the request is \$10,000 over budget. He asked as to the additional funds.

Mr. Fieldman said the previously mentioned item, the SCADA system, is from the same fund as this item and was under budget; the additional funds will come from these cost savings.

Commissioner Neustadt asked if the water crew participated in evaluating the proposal and bids. Mr. Fieldman said they were involved.

Commissioner Schnell noted that the staff reports that this purchase will increase productivity.

- f. **Change Order #1: Florence Avenue Detention.** The Manager said staff is requesting Change Order #1 for Florence Avenue detention in the amount of \$22,841. The work was authorized to allow for the safe and timely completion of the project.
- g. **Change Order: Compact 4-Door CNG Sedans.** The Manager said staff is requesting the purchase of two additional 2009 Honda Civic GX compressed natural gas (CNG) sedans from Volvo Sales & Service Center, Inc., Lisle, IL, in the amount of \$42,268.18. These two vehicles were to have been replaced with compact four-door hybrid electric utility vehicles. Only one bid was received from Packey Webb Ford. It was over budget and Ford cannot specify a delivery date.

Frank Falesch, 820 Prairie, asked if the Village has a policy regarding preference for domestic manufacturers. Mr. Fieldman said there is not.

Mr. Falesch expressed concern about CNG vehicles and the relationship between ethanol and the cost of corn.

Commissioner Tully noted that there was a bid by Packey Webb Ford, but it was approximately \$12,000 over budget.

MANAGER'S REPORT

Mr. Fieldman said the Village Clerk had a report to present to the Council.

April Holden, Village Clerk, announced that Tuesday, October 7, 2008 is the last day to register or transfer registration for the November 4, 2008 General Election. She said applicants may register to vote at the Village Hall, the Library, the Township Offices or the DuPage County Election Commission. Ms. Holden also announced that Downers Grove residents wishing to run for the office of Commissioner in the April 7, 2009 Consolidated Election must file their Statements of Candidacy and nominating petitions between December 8 and 15, 2008 in the office of the Village Clerk. Three Commissioner positions on the Village Council are to be elected. If more than 12 persons file for the position of Commissioner, a Primary Election will be conducted on February 24, 2009. Statements of Candidacy and nominating petitions are available in the Village Clerk's Office. Nominating petitions may not be circulated prior to September 16, 2008.

ATTORNEY'S REPORT

Village Attorney Enza Petrarca said she was presenting 13 items to the Council: 1) An ordinance amending provisions for vehicle seizure and impoundment; 2) An ordinance amending provisions for citations in lieu of prosecution; 3) A resolution authorizing submittal of application to the DuPage Community Development Commission (CDC) for the 2009 Community Development Block Grant (CDBG) for the DuPage County Neighborhood Resource Center Cluster; 4) A resolution authorizing submittal of application to the DuPage Community Development Commission (CDC) for the 2009 Community Development Block Grant (CDBG) for the DuPage County Neighborhood Investment Project (Trees); 5) A resolution authorizing submittal of application to the DuPage Community Development Commission (CDC) for the 2009 Community Development Block Grant (CDBG) for the DuPage County Neighborhood Investment Project (Street lights); 6) An ordinance authorizing the sale by public auction of personal property owned by the Village of Downers Grove; 7) An ordinance designating the Village Attorney as the Downers Grove Ethics Officer; 8) A resolution authorizing execution of an agreement between the Village of Downers Grove and the Illinois Department of Transportation; 9) An ordinance authorizing a special use for 2501 Ogden Avenue to permit an automobile dealership with a zoning variation; 10) A resolution approving the final plat of consolidation for 2501 Ogden Avenue; 11) An ordinance restricting movement of vehicles onto Cross Street; 12) A resolution authorizing execution of an agreement between the Village of Downers Grove and Engineering Resource Associates, Inc.; and 13) An ordinance designating a yield right of way.

The Attorney asked the Council to consider a motion waiving the one-week waiting period to consider new business to authorize execution of a contract for the Prairie Avenue Reconstruction and Resurfacing Project (Stage 1) in the amount of \$2,420,202.22 to JS Riemer, Inc., subject to concurrence by the Illinois Department of Transportation.

Commissioner Tully moved to waive the one-week waiting period to consider the item outlined by the Attorney. Commissioner Durkin seconded the motion.

VOTE: AYES: Commissioners Tully, Durkin, Beckman, Neustadt, Waldack, Schnell; Mayor Sandack

NAYS: None

Mayor Sandack declared the Motion passed.

A. Motion authorizing execution of a contract for the Prairie Avenue Reconstruction and Resurfacing Project (Stage 1) in the amount of \$2,420,202.22 to JS Riemer, Inc., subject to concurrence by the Illinois Department of Transportation.

Commissioner Tully moved to adopt “A Motion authorizing execution of a contract for the Prairie Avenue Reconstruction and Resurfacing Project (Stage 1) in the amount of \$2,420,202.22 to JS Riemer, Inc., subject to concurrence by the Illinois Department of Transportation,” as presented. Commissioner Durkin seconded the motion.

VOTE: AYES: Commissioners Tully, Durkin, Beckman, Neustadt, Waldack, Schnell; Mayor Sandack

NAYS: None

Mayor Sandack declared the Motion passed.

COUNCIL MEMBERS

Commissioner Neustadt said that September 20 is the date of the Recycling Extravaganza, and the Coffee with the Council. Also on that day is the Passport for Safety event at the Recreation Center, as well as the Black and White Ball that evening. He also mentioned that the Grove Foundation Golf Outing last week was a great success.

Commissioner Tully, as liaison to District 58, reported on a recent meeting. The District has adopted a budget, and made a presentation about their capital improvement projects, which have to be done during the summer break. They have a great capital improvements management team. He said the annual report for District 58 will be available in the Village Clerk’s office.

In light of the Black and White Ball, Commissioner Tully asked as to the status of the meeting of the Finance and Administrative Committee regarding Council travel, training and other expenses to be reimbursed by the Village.

Commissioner Waldack said that the Committee met and that item has not been put on the agenda. The old rules apply.

Commissioner Tully said he does not feel that it is an appropriate use of Village money to seek reimbursement for the cost of attending the Black and White Ball.

Manager Fieldman said that a recommendation should be made September 23 or soon thereafter.

DRAFT

Commissioner Tully said that he thought professional development and growth items were appropriate; however, those are different from social events. He does not feel reimbursement for social events is appropriate.

The Mayor said that until a policy is brought forth, he does not feel social events are appropriate for reimbursement.

Mayor Sandack announced that he will make a presentation at the Chamber of Commerce meeting tomorrow concerning the economic conditions and goals of the Village and the Strategic Plan at 11:30 a.m. at the Doubletree Hotel. The Mayor then commented on Redbox, a new company on Opus Drive that is a DVD rental business, and he welcomed them to the Village. He also commented that the Grove Foundation Golf Outing was successful, although he didn't beat anyone. On Sunday, Gloria Dei Lutheran Church unveiled their addition to the church. He said it is a beautiful building and appears seamless.

Finally, the Mayor announced that today was Rosemary Casey's birthday, his wife's grandmother who raised ten children, grandmother of many, and great-grandmother of 15. He wished Grandma Rose Happy Birthday, saying she was a vibrant, lovely woman.

ADJOURNMENT

Commissioner Tully moved to adjourn to Executive Session pursuant to Section 2(c)(2) of the Open Meetings Act to discuss collective bargaining matters. Commissioner Durkin seconded.

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

Mayor Sandack declared the motion carried and the Council convened into Executive Session at 8:35 p.m.

April K. Holden
Village Clerk

tmh/