

**MINUTES OF WORKSHOP MEETING**

**DOWNERS GROVE, ILLINOIS**

**MAY 12, 2009**

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 asked his guests Joey, Billy, Trent and Julia to help him lead the audience in the Pledge of Allegiance to the Flag.

**Present:** Mayor Ron Sandack; Commissioners Marilyn Schnell, William Waldack, Sean P. Durkin, Geoff Neustadt, Bruce Beckman, Bob Barnett (arr. 7:24 p.m.); Village Manager Dave Fieldman; Village Attorney Enza Petrarca; Village Clerk April Holden

**Absent:** None

**Visitors:** **Press:** Cat Leyden, Downers Grove Reporter  
**Residents:** John Schofield, 1125 Jefferson Ave.; Laura Crawford, Chamber of Commerce & Industry; Greg Bedalov, EDC; Dave Fox, Laura Taylor and C. Delacruz, Good Samaritan Hospital, 3815 Highland Avenue; Andy Clark and Bill Wrobel, Downers Grove Watch; Christine Fregeau, 1918 Elmore; Marge Earl, 4720 Florence Avenue

**Staff:** Kerstin von der Heide, Village Forester; Liangfu Wu, Director, Information Services; Jeff Rice, Systems Administrator, Information Services; Doug Kozlowski, Director, Communications; Tom Dabareiner; Director, Community Development; Kurt Bluder, Deputy Police Chief; Jamie Belongia, Intern; Mike Millette, Assistant Director, Public Works; Naneil Newlon, Director, Public Works; Judy Buttny, Director, Finance

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.

Mayor Sandack announced that there are some changes in the Workshop meetings which are intended to be less formal and more conversational. He noted that all of the Council members have computers in front of them instead of the large packets of paper that they've been receiving every week. Going paperless saves significant personnel time, delivery time, etc. There will be some adjustments to be made as happens with changes.

**Proclamation**

Mayor Sandack read a proclamation regarding Good Samaritan Hospital being recognized as one of the top 100 hospitals in the nation. The Mayor proclaimed May 12, 2009 as Advocate Good Samaritan Hospital Day. He presented the Proclamation to the representatives from the Hospital.

Dave Fox, President, Good Samaritan Hospital, thanked the Mayor, saying when he was notified of the selection he was surprised and very pleased. Good Samaritan is a large community hospital providing very advanced services, include Level One Trauma service. Previously, the Hospital had been named a top 100 heart hospital. They are gratified for this recognition as one of the top 100 hospitals overall. Mr. Fox commented that there is a valuable partnership between the Village and the Hospital. Although they knew that there were good, it is great when outside organizations recognize the efforts. They are in a group of 20 large community hospitals which is one of the better performing groups within the top 100 hospitals. He further noted that in 2008 Good Samaritan Hospital had the lowest risk adjusted mortality of the 100 hospitals in the Chicago region.

**MANAGER**

1. Active Agenda and Informational Items

- a. **Unclaimed Funds.** The Manager said this concerns refundable construction bonds which have accumulated since the early 1990s through 2004. There is an accumulation of about \$1 million. Staff has attempted to return the funds and has managed through public notices and other sources to refund about \$500,000. The ordinance is to take \$503,000 into the General Fund as revenue.

**Commissioner Schnell** asked for clarification, and the Manager said most of these were from between 2000-2004. It is a one-time occurrence.

**Commissioner Beckman** asked if a vendor approaches the Village after the fact, what happens with the funds. The Manager said they would be reviewed on a case-by-case basis. Once this is taken in as revenue, staff will have to apply some judgment with respect to refunds.

- b. **Parkway Tree Protection Ordinance Amendment.** The Manager said staff monitors ordinances for amendments where warranted. This ordinance concerns protective tree fencing where damage to trees is anticipated as being minimal.

**Village Forester Kerstin von der Heide** provided an update on current practices. She said that there were so many exceptions being made that staff decided it made more sense to amend the Code.

The Mayor said with two years of experience with six-foot chain link fencing in the parkways, he assumed that staff felt this was the best measure to take. Ms. von der Heide said that they saw a lot of tree damage on private property from digging, piling materials next to trees, etc. She fined builders for these bad practices. On some other projects such as street resurfacing and private driveway replacement there were minimal situations of tree damage. When digging is less than two feet deep the fencing is not necessary.

**John Schofield**, 1125 Jefferson Avenue, said that the tree fencing provisions have made a big difference and there has been less damage. This ordinance reduces parkway tree protection,

although they cannot say how much. He is concerned because every year the Village is losing trees due to Public Works projects, residential developments, parkway trees removed, etc. Mr. Schofield said that his perspective is a global one and does not refer to any specific tree or trees. He noted that there is already an anticipated loss of trees due to the Emerald Ash borer. He believes that the Village must do everything it can to protect and preserve trees. One of the problems he mentioned is the stacking of construction materials on the tree bases without consideration of damage to the tree. He said that the proposed ordinance does not make a distinction between private and public development projects. Mr. Schofield stated that this may work fine, but he feels that a distinction should be made between private and public property. He also wants to see what provisions for accounting will be made. Staff should keep sufficient records so the public knows whether a site should be protected.

Manager Fieldman commented that the distinction was in the construction sites and depth of construction.

Ms. von der Heide said that this ordinance is intended to apply to both public and private property. The Village's tree protection efforts have improved trees. She said in her 19 years with the Village she has never seen tree mortality along street resurfacing projects.

Commissioner Beckman said he appreciates the comments made. He referenced a radio program on gardening wherein a Chicago forester discussed tree protection on parkways. He said he thought the ordinance seemed to be broader than originally intended. Ms. von der Heide said inspectors do follow up on permits for driveways. If they see things piled up around trees they make the people move the materials. She noted that this ordinance does not eliminate her ability to fine people.

Commissioner Beckman said that on his street an individual purchased an enormous load of mulch to beautify their property. The mulch is piled very high around the trees, and he asked how that would be handled. Ms. von der Heide responded that is called volcano mulching which is prevalent in the industry. She explained that when volcano mulching is seen, she sends out a postcard to the property owner to inform them that it is a bad practice. Staff uncovers the mulched area.

**Commissioner Durkin** asked as to this practice. Ms. von der Heide said that the mulch holds moisture. Trees need moisture at the roots; however, when mulch is placed up against the tree trunk, it retains moisture and can cause rotting of the tree. Commissioner Durkin requested that that information be placed in a newsletter.

**Commissioner Waldack** said that people can do damage to trees simply by mowing their lawns. He is concerned about the damage done due to large equipment. Ms. von der Heide responded that staff has not seen that type of damage on private driveways, other than some projects on Middaugh and Oakwood. Most people replace their driveways with concrete or asphalt, and pavers are few and far between. In further response to Commissioner Waldack, Ms. von der Heide said that if this ordinance does not work, it can be revisited again.

Commissioner Schnell said she has seen curb and gutter work being done where materials are piled next to the trees. Ms. von der Heide said staff is working on a better process to have tree protection and fencing on municipal projects. Commissioner Schnell said that she sees this as putting more work and responsibility on the staff. She would like to think about this. She then asked about new trees that were planted, some seemed to be smaller in terms of canopies. Ms. von der Heide said that they aim for 2" trees. Some are shorter with smaller crowns.

Mayor Sandack said that they have had two years of experience. Strict enforcement without any background is just that. There is a paid professional and staff who have discretion to make judgments. He said that they need to give discretion to her as it is based on empirical evidence. Experience means you adjust and adapt. There is a misperception that the Village is granting exceptions and that is not correct.

- c. **Washington Park Power Line Burial Work Agreement with ComEd (Waive One-Week Waiting Period).** The Manager said the Washington Park project has existing overhead lines that must be moved for the improvements. ComEd will begin work on June 1, if this is approved tonight. The amount is \$21,201.70.

**Commissioner Neustadt** asked if this situation will arise at McCollum Park, and whether there is any equipment on the poles.

**Public Works Director Naneil Newlon** said there are no conflicts at McCollum Park, and at Washington Park there are phone and cable lines. The cost associated with those lines will fall under the Manager's approval.

### 3. Consent Agenda Items

- a. **Final Plat of Subdivision – 4929 Montgomery Avenue.** The Manager said this is to consolidate two existing lots into one for the property located at 4929 Montgomery Avenue. The property is 15,260 square feet and is zoned R-4 Single Family Residence district and consists to two 50-foot by 152.6 foot lots of record. The Plan Commission recommended unanimous approval of the Final Plat of Subdivision. Staff concurs with the Plan Commission recommendation.

Commissioner Waldack noted these are two 50' lots, and technically they could construct two houses. He said this change will require at least a 10' setback requirement which is an improvement. Currently the lot is existing nonconforming. He feels this is not a routine request and should be placed on the Active Agenda rather than the Consent Agenda.

The Mayor said that no exceptions and no variances have been requested, and that is why he thinks staff placed it on the Consent Agenda.

Commissioner Waldack said he would prefer to see future items such as this placed on the Active Agenda. Mayor Sandack said if four Council members agree, that will be done.

Commissioner Schnell stated she prefers to know that engineering and stormwater has been approved by staff. The only question neighbors had was how this would affect their property. She said she would like to see staff's approval, as it would make for a neater and tighter project.

Commissioner Beckman commented that if there is a special situation, he understands that it should be placed on the Active Agenda. However, if it meets all the standards, he doesn't see the need to place it on the Active Agenda.

Commissioner Neustadt pointed out that this went through the Plan Commission and people could have commented at that meeting. By request, the item can be removed from the Consent Agenda and placed on the Active Agenda.

- b. **Application to become a Certified Local Government.** The Manager said this is to authorize the Mayor to sign a letter requesting the State's approval for Certified Local Government status and directing staff to submit the proper application materials to the Illinois Historic Preservation Agency (IHPA). The Village Council adopted the Historic Preservation Ordinance on July 3, 2007 and the Historic Preservation Plan on April 7, 2009 with a Village goal to become a Certified Local Government (CLG) through the State's program.

John Schofield, 1125 Jefferson, said on behalf of himself, the Pierce Downer Heritage Alliance, and the Coalition for Managed Redevelopment, he wholeheartedly supports this. This is the last step in a long and formal process started by Commissioner Tully some years ago.

- c. **Bid: Rogers Street Water Main Replacement Project (CIP Project WA-031).** The Manager said recommends awarding a contract for the Rogers Street Water Main Replacement Project to Swallow Construction of Downers Grove, Illinois in the amount of \$626,000.00. The proposed improvements include replacement of water main on Rogers Street between Highland Avenue and Maple Avenue. The work will consist of the replacement of approximately 4,102 linear feet of 8-inch diameter ductile iron water main, replacement of approximately 65 residential water services, and other associated work. This project is necessary due to the numerous water main breaks experienced in these areas and the condition of the pipe. Road resurfacing and parkway restoration work will be handled under the Rogers Street Resurfacing Project. This was competitively bid and Swallow Construction is the low bidder.

The Mayor noted that the bids are lower than was expected by the engineering staff. The Manager said that the economic situation has resulted in a better bidding environment.

- d. **Bid: 59<sup>th</sup> Street Water Min Replacement Project (CIP Project WA-030).** The Manager said staff recommends awarding a contract for the 59<sup>th</sup> Street Water Main Replacement Project to Archon Construction Company Inc of Chicago, Illinois in the amount of \$544,175.73. The scope of this project includes installation of an 8-inch diameter water main between Dunham Road and Main Street, replacement of residential water services, and other miscellaneous items. Work also includes the ½ block replacement of water main and services on the dead end of Brookbank Road, just north of 59<sup>th</sup> Street. Road resurfacing and parkway restoration work will be completed under the 2009 Roadway Resurfacing Project. This was competitively bid and Archon Construction is the low bidder.
- e. **Bid: 2009 New Sidewalk Program (Matrix) (S-004).** The Manager said staff recommends awarding a contract for the 2009 New Sidewalk Program (S-004) to Globe Construction of Addison, Illinois in the amount of \$410,031.10. As part of the Village's objective to install sidewalks on at least one side of every street in the Village, staff has designed and proposed this year's new sidewalk segments designated for construction based upon the order established by the Village's Sidewalk Priority Matrix.

The proposed contract work will consist of the installation of new sidewalk along the following street segments:

- 6<sup>th</sup> Street: From Cumnor to Williams
- Inverness Avenue: From Ashbrook to Belmont
- Traube Avenue: From Roslyn to E. Limit

- 2<sup>nd</sup> Street: From Cumnor to Williams
- 4<sup>th</sup> Street: From Cumnor to Williams
- Victor Street: From 2<sup>nd</sup> to 55<sup>th</sup>
- Lincoln Avenue: From Stanley to Sterling
- 8<sup>th</sup> Street: From Cumnor to Williams
- 7<sup>th</sup> Street: From Cumnor to Williams
- Herbert Street: From Downers to W. of Morton

This was competitively bid and Globe Construction is the low bidder.

The Manager noted that there were some concerns expressed by residents and staff held a meeting to explain the changes to them. Several modifications were made as a result of that meeting.

Christine Fregeau, 1918 Elmore Avenue, thanked staff and the Council for not walking away from this. She asked whether staff anticipates savings in materials testing as well. The Manager said that contract was already awarded.

**Village Engineer Mike Millette** said that they have not found a savings in labor, and materials testing are slightly higher than last year.

Ms. Fregeau cautioned about comments on the contractor evaluation that indicate adequate grades and oversight. The Manager said that the contractor evaluation forms have led to lengthy discussions among Public Works staff.

Ms. Fregeau then questioned the sidewalk matrix for 2009 and asked that if it is on a future agenda it be placed online with an update.

- f. **Bid: 2009 Replacement Sidewalk Program (S-006).** The Manager said staff recommends awarding a contract for the 2009 Replacement Sidewalk Program (CIP Project S-006) to Strada Construction Co. of Addison, Illinois in the amount of \$125,900. This project provides for the replacement of sidewalks with a grade difference of 1-1/8" or more (tripping hazards) as well as repair of cracked sidewalks. This year's project will include 25,000 SF of sidewalk replacement, intermittent curb replacement, and existing sidewalk ramps upgraded to comply with ADA standards. This was competitively bid and Strada Construction is the low bidder.

Commissioner Schnell asked whether this takes care of all the replacement needs. Public Works Director Newlon responded that it does, and includes a 20-25% extra for new requests that might come in. Commissioner Schnell asked what qualifies for replacement. Ms. Newlon said a 1-1/8" difference in elevation, gaps, multiple breaks, sidewalk separation, etc. She said she will be sure that information is placed on the website.

- g. **Bid: Water Meter Testing and Repair.** The Manager said staff recommends awarding a contract for water meter testing and repair to Water Services Company of Elgin, Illinois in the amount of \$15,800.

The purpose of this contract is to provide routine maintenance of the Village's water metering system with particular emphasis on large multi-family, commercial and industrial customers. Single-family residential customers in Downers Grove account for about 90% of the customer

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base but consume only 56% of the water sold by the Village. The remaining 10% of multi-family, commercial and industrial customers use the other 44% of the water sold, so the accuracy of meters in this market segment is paramount.

This was competitively bid and Water Services Company is the low bidder.

- h. **Identity Theft Prevention Program.** The Manager said staff recommends adopting an Identity Theft Prevention Program for the Village's water utility. The Federal Trade Commission requires every municipal utility to formally implement an Identity Theft Prevention Program (ITPP) in order to identify, detect, and respond to any activities which may be associated with identity theft. While many of the ITPP practices have been utilized within the Village's water utility billing division for many years, formalization of written procedures would serve to strengthen the Village's capability to safely and securely maintain confidential customer information. At present, staff is unaware of any cases of identity theft occurring in connection with the Village's water utility.
- i. **Approval of Sungard HTE Maintenance Agreement.** The Manager said staff recommends an agreement and an addendum thereto for maintenance of the Sungard Public Sector Computer Aided Dispatch (CAD) System with Sungard Public Sector Inc. in the amount of \$109,091.38.

The Village has been utilizing the Sungard Public Sector CAD system for dispatching, records collection, electronic reporting, and LEADS inquiries for almost twenty years and it has proven to be a very reliable system. Sungard Public Sector, Inc. holds the proprietary rights for all of their software and, therefore, should be considered a sole source vendor to provide maintenance for their products. The proposed agreement would provide updates, service, and support for computer software applications utilized by the police and fire departments on the Village's Sungard Public Sector CAD Computer system. The new agreement would be effective from May 1, 2009 through April 30, 2010.

### ATTORNEY'S REPORT

Village Attorney Enza Petrarca said she was presenting five items to the Council: 1) A resolution authorizing execution of a maintenance agreement and addendum between the Village of Downers Grove and Sungard Public Sector, Inc.; 2) An ordinance for the prevention of injury to trees in the public right-of-way; 3) A resolution adopting an identity theft prevention program; 4) An ordinance authorizing the transfer of funds held by the Village and unclaimed for more than four years as of August 31, 2004; and 5) A resolution approving the final plat of subdivision for 4929 Montgomery Avenue.

The Attorney asked the Council to consider a motion waiving the one-week waiting period to consider new business to authorize the Village Manager to sign a work agreement with ComEd in the amount of \$21,201.70.

Commissioner Schnell moved to waive the one-week waiting period to consider the matter outlined by the Attorney. Commissioner Beckman seconded the motion.

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

**NAYS: None**

Mayor Sandack declared the Motion passed.

**A. Motion to authorize the Village Manager to sign a work agreement with ComEd in the amount of \$21,201.70.** This authorizes the Village Manager to sign a work agreement with ComEd in the amount of \$21,201.70 to bury power lines as part of the Washington Park stormwater improvements.

Commissioner Schnell moved to authorize the Village Manager to sign a work agreement with ComEd in the amount of \$21,201.70, as presented. Commissioner Beckman seconded the motion.

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

**NAYS: None**

Mayor Sandack declared the Motion passed.

#### **VISITORS**

**Bill Wrobel**, 7800 Queens Court, said he reviewed the discussion about the tree protection and fencing. He said that there are attempts to enforce the ordinance. When fencing is constructed, it sends a message that this should not be violated. He thinks that is reason to put the fencing in place. He hoped everyone reviewed this and will give it serious thought.

The Mayor said that they are not gutting the ordinance, but are making it more practical. This recommendation is based on the experiences of the Village Forester.

#### **MANAGER'S REPORT**

The Manager said the long-range financial planning process begins next week in the Committee Room after the Council meeting. This will continue every other week.

The Manager then said that the paperless packets are saving \$4,000 and reduces printout by about 120,000 sheets of paper per year. It allows more work to be done on the website.

The Manager asked Doug Kozlowski, Communications Director, to report on the Community Wide Notification System.

**Doug Kozlowski**, Communications Director, stated that a test will be conducted on Saturday, May 16. The service they are using is Connect CTY, approved by the Council last December. He commented that public numbers are already in the system. If residents do not receive a test call they should visit the website at [www.downers.us](http://www.downers.us). He explained the process to register on the website. He said the system allows three phone numbers and two e-mail addresses. Residents without internet access can call the Community Response Center at 630-434-2255 to have their information updated. If a resident has a call blocking service, they can add 630-434-5500 to their list of numbers that are allowable. This will provide the ability to inform citizens of emergencies, and some general information as well.



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The Mayor asked that a link be placed on the website. Mr. Kozlowski said that the banner will be on the website after Saturday's test call. He added that any listed number that CTY uses will be receiving the call. If people do not receive a call after 5:00 p.m. Saturday, they should register on the website.

Commissioner Waldack asked if this was paid for as a result of the Primeco Settlement, and Mr. Kozlowski said it is.

In response to Commission Schnell, Mr. Kozlowski said that the call will go to voice mail as well.

The Mayor commented on the paperless project, and asked about anticipated savings if all the Boards and Commissions go paperless. Manager Fieldman said staff is working on that.

### **COUNCIL MEMBERS**

Commissioner Beckman reported on the Barth Memorial Ceremony at Barth Pond. It was a moving testimony to our Police force. This was a tragic event, but reminds everyone of the work the Police do for us.

Commissioner Neustadt agreed with Commissioner Beckman's comment, noting that Village employees played bagpipes and a bugle. The police were in dress uniform. It was a touching ceremony. He also reported on the Police Award ceremony held last night. He is always amazed at the hard work these men and women put in, sworn officers and civilians.

Commissioner Neustadt commented on the paperless packets, thanking Dr. Wu and Mr. Rice for the computers. He said the computers are great and he can read through the materials more quickly. Information is available to everyone at the same time. He appreciates the new change and is sure that the Boards and Commissions will follow. The Commissioner then announced the Public Works open house to take place on Friday from 2:00-7:00 p.m. at the Public Works facility. He invited everyone to attend.

Commissioner Waldack echoed the comments made about the Barth ceremony and the Awards ceremony. It was a very fulfilling day and evening. He then invited people to come to the Public Works open house.

Commissioner Schnell said that the Barth Ceremony is a sad event, and she is amazed by the strength and fortitude of the Barth family. She said residents should attend the ceremony if possible. She commented that last night's event was a celebration of how good our employees are. Each year they do more outstanding things, and this year many civilians and residents were recognized as well as police officers.

Commissioner Durkin thanked the Barth family for continuing to attend the ceremony. They have a commitment to honoring their son, brother and cousin.

### **Proclamations:**

The Mayor proclaimed Saturday, May 16 as River Sweep 2009 Day in Downers Grove.

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Mayor Sandack proclaimed the week of May 10-16 as Public Works Week. He reminded everyone of the Public Works open house on Friday from 2:00-7:00 p.m. at the Walnut Street facility. He encouraged family to bring the children to meet personnel and view the equipment.

The Mayor said that the District 99 Foundation will be holding a fundraising event at Rocca's tomorrow night at 7:00 p.m. It is open to everyone.

Mayor Sandack agreed with everything said regarding the Barth Memorial Ceremony. The Police Department doesn't forget its own, and hasn't forgotten Richard Barth who was struck down in 1974 at the age of 25. Officer Barth was the only Downers Grove officer killed in the line of duty. The Department keeps his memory alive through a great ceremony which is very moving. He added that the commendations ceremony held last night was also a great event. There are special people who work in the Village, and they are emotionally invested in the Village.

### **ADJOURNMENT**

There being no further discussion, the Workshop meeting was adjourned at 8:21 p.m.

April K. Holden  
Village Clerk

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