



Village of Downers Grove Meeting Minutes Downers Grove Village Council

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

Tuesday, May 4, 2010

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 Bob Barnett, Commissioner William Waldack, Commissioner Sean P. Durkin, Commissioner Bruce E. Beckman, Commissioner Geoff Neustadt and Mayor Ron Sandack

Non Voting: Village Manager David Fieldman, Village Attorney Enza Petrarca and Village Clerk April Holden

The Council meeting is broadcast over the local FM radio station, WDGC. In addition, a tape recording and videotape of the meeting are being made using Village owned equipment. The videotape of the meeting will be used for later rebroadcast of the Council meeting over the Village cable television Channel 6.

The Council will follow the rules of conduct for this meeting as provided in Sec. 2.5 of the Downers Grove Municipal Code. These offer the public the opportunity to comment at several points in the meeting. First, immediately following approval of the minutes of the past meetings, an opportunity will be given for public comments and questions of a general matter. If a public hearing is scheduled for this meeting, an opportunity is given for public comments and questions related to the subject of the hearing. Finally, an opportunity is given for public comments and questions on items appearing on the Consent Agenda, the Active Agenda and the First Reading.

The presiding officer will ask, at the appropriate time, if there are any comments from the public. If anyone wishes to speak, the individual should raise their hand to be recognized and, after acknowledgment from the presiding officer, approach the microphone and state their name and address. Remarks should be limited to five minutes, and asked that individuals refrain from making repetitive statements.

Mayor 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 Council Meetings

Council Meeting - April 20, 2010

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

Reports

The Mayor asked Village Manager Dave Fieldman to report out on two items.

Mr. Fieldman provided a report on an EMS fire call out, and on the Village's Capital Projects. He asked Chief Jackson to report on the EMS call.

Fire Chief Jackson reported on a call received regarding a car that was in a retention pond at Authority Drive and Ogden Avenue. He said that the Village firefighters as well as the Illinois State Police assisted in the rescue efforts in the water to get the victim out of the car. The water temperature was between 50-53 degrees, and firefighters worked to coordinate their efforts of rescue. Chief Jackson explained that the water in that pond is very murky. Rescuers went below the water and found the car and victim and were able to pull him out of the automobile. From the time of the call to getting the victim on his way to the hospital was 14 minutes. He explained that firefighters from Oak Brook, Westmont, Naperville, Lisle-Woodridge all assisted, for a total of 70 personnel on the scene. Manager Fieldman was also on the scene. The Police Department assisted in the containment of the area. Chief Jackson noted that the car was 90 feet from the shoreline.

Mayor Sandack thanked the Chief for his report, saying this was a very unfortunate situation. He thanked Chief Jackson and the Downers Grove team, as well as all firefighters and police officers who assisted in this instance.

Commissioner Durkin said that this is the second instance of an accident of this nature in the area. He asked if the Village should review the guard rails around the retention ponds. Mr. Fieldman said staff can look at the design requirements and guard rail issues.

Capital Projects:

Public Works Director Nan Newlon said that the Village has 52 projects this year. The most significant project involves the Belmont Road underpass by Metra. They are in Phase II at this time, with Warren Avenue closed, parking areas shifted, and weekly progress meetings with Metra. Metra will set up a website as to the project's progress.

Ms. Newlon said bids are anticipated on May 14 for the sidewalks projects. With regard to streets, bids were opened today, and they were \$250,000 under the engineer's estimate. The bikeways bid is expected on June 11. Ms. Newlon explained that stormwater projects include Lacey Creek, Sterling Park, Benton Avenue, 8th and Cunnor, and completing the Washington and McCollum Park projects. She said that the watermain project was scaled back to four street segments.

Mayor Sandack reminded everyone that they can get updates on these projects on the website, or they can sign up for e-mail updates. He then mentioned that two residents have asked him about the Sanitary Sewer Project on Gilbert and when it will be completed. Ms. Newlon said they expect it will be restored by the end of next week.

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

John Schofield, 1125 Jefferson Avenue, commented on Brookbank Road saying he was pleased to see it is going to be fixed. It has been a decade since work in this area was considered. He is sensitive to environmental and neighborhood issues, and is concerned about the funding. Mr. Schofield said he lives about one block away and is not personally affected by it; however, he lives on a similar street. He noted that in 2001 the street was the responsibility of the developer, and in 2009 the Village accepted the responsibility for the south-bound lane. He asked how much of the \$52,000 was assumed by the Village and what the Village would have done anyway. He also inquired as to the breakdown for the whole project. He questioned how the project got to its present situation. He knew there was a lawsuit and agreement, but cannot find a record of the Council approving it. No records have been found with respect to approving a settlement.

Mayor Sandack said that the Village settled the lawsuit pursuant to the process the Village's Attorney advised the Village to follow. The settlement agreement is a matter of public record.

He stated that the scope does exceed what was originally viewed. Mr. Schofield said that he cannot find the record regarding the Council's vote.

Mr. Fieldman responded further that the money related to this section of the road, from 59th Street to 60th Street, was \$400,000 for the entire project of reconstruction and resurfacing, design and closeout. The design cost was about \$62,000, and the segment in question is \$75,000 of the total project cost.

The Mayor encouraged Mr. Schofield to speak with Village Attorney Petrarca if he has any further questions on this case.

5. Public Hearings

6. Consent Agenda

COR 00-04136 A. Claim Ordinance: No. 5845, Payroll, April 23, 2010

Sponsors: Accounting

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

Indexes: N/A

BIL 00-04137 B. List of Bills Payable: No. 5824, May 4, 2010

Sponsors: Accounting

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

Indexes: N/A

MOT 00-04122 C. Motion: Authorize a Contract for \$18,728 with M.E. Simpson Co., Inc., Valparaiso, Indiana, for Water Distribution System Leak Detection Survey Services

Sponsors: Public Works

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

Indexes: Water System

MOT 00-04125 D. Motion: Authorize a Contract for \$67,200 with M.E. Simpson Co., Valparaiso, Indiana, for Water Distribution System Valve Assessment Services

Sponsors: Public Works

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

Indexes: Water Valves

BID 00-04127 E. Bid: Award \$109,405.86 to Denler, Inc., Mokena, IL, for the 2010 Preventive Seal Project

Sponsors: Public Works

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

Indexes: Preventive Seal

BID 00-04128 F. Bid: Award \$662,662.00 to Everest Excavating Co., Naperville, IL, for the Benton Avenue Drainage Improvements

Sponsors: Public Works

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

Indexes: St. Joseph Creek, Stormwater Sewer Watershed Improvement Plans, Stormwater Improvements

BID 00-04139 G. Bid: Award \$119,420.05 to Tri-Brothers Contracting, Inc., Southgate, Michigan, for Fire Hydrant Painting

Sponsors: Public Works

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

Indexes: Fire Hydrants

MOT 00-04140 H. Motion: Authorize a Contract for \$22,410 with M.E. Simpson Co., Inc., Valparaiso, Indiana, for Water Meter Testing and Repair

Sponsors: Public Works

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

Indexes: Water Service

RES 00-04133 I. Resolution: Authorize an Intergovernmental Agreement between the County of DuPage, Village of Downers Grove, Illinois, and Village of Westmont, Illinois for the Transfer of Property and Maintenance Responsibility for Drainage System Components

Sponsors: Manager's Office

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF DUPAGE, VILLAGE OF DOWNERS GROVE, ILLINOIS AND VILLAGE OF WESTMONT, ILLINOIS FOR THE TRANSFER OF PROPERTY AND MAINTENANCE RESPONSIBILITY FOR DRAINAGE SYSTEM COMPONENTS

RESOLUTION 2010-42

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

Indexes: Westmont Surface Water Protection District

MOT 00-04129 J. Motion: Award a Contract for \$52,060.00 to V3 Companies, Ltd., Woodridge, IL, for the Brookbank Road Design

Sponsors: Public Works

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

Indexes: Roadway Improvements

RES 00-04147 K. Resolution: Authorize a Revised Agreement and Addendum Thereto with Champion Energy, LLC

Sponsors: Finance

Summary of Item: A RESOLUTION AUTHORIZING EXECUTION OF A REVISED AGREEMENT AND ADDENDUM THERETO BETWEEN THE VILLAGE OF DOWNERS GROVE AND CHAMPION ENERGY, LLC

RESOLUTION 2010-43

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

Indexes: Electric Services

MOT 00-04138 L. Motion: Note Receipt of Minutes of Boards and Commissions

Summary of Item: Community Events Commission - 3/18/10 and 4/1/10

Library Board - 4/14/10

Zoning Board of Appeals - 3/24/10

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

Indexes: Boards and Commissions Minutes

Passed The Consent Agenda

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

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

7. Active Agenda

ORD 00-04075 A. Ordinance: Amend Rates Charged for Metered Water

Summary of Item: This amends rates charged for metered water, for bills received after July 1, 2010.

AN ORDINANCE AMENDING RATES CHARGED FOR METERED WATER

ORDINANCE NO. 5133

Commissioner Schnell moved to adopt the original version as opposed to Version 2.

Commissioner Barnett said he seconded the Motion to facilitate discussion. He prefers the alternate version. The question is whether to begin to recoup costs now. Our customers are likely to see an increase now, then another increase from the Village sometime in the next budget session, and again by the DuPage Water Commission (DWC) next year. He said the Village cannot control the actions of the DWC. There are likely to be three rate increases in 12-13 months. Knowing that there are capital needs identified, and knowing there are increases ahead, he would prefer to make the adjustment now. DWC probably should have already increased rates and the Village probably should have already conducted the water rate study that was just recently approved. He will vote against this.

Commissioner Schnell said she has a hard time rationalizing raising rates to the public that are higher than what is immediately necessitated by the DWC rate increase. She has a hard time raising rates because there may be needs in the future. She thinks it is easier to budget three times. If Version 2 is accepted, she feels there would be no need for the study. She knows there will be additional increases, but she does not want to amend the rates until she knows the exact amount. She will be voting for the Motion as she prefers to go with the original version.

Commissioner Beckman said he will concur with the Motion as presented. He feels part of this concern, regarding the ability of the Village to make sure the community can plan for the future, is a communications issue. The Village has multiple communication devices at its disposal. Reporters attend the Council meetings and are present this evening and one of the bloggers is present who will probably report on the Village's plan for the future regarding water rates. Council does not have all the facts yet, and that is why he feels they should not arbitrarily raise rates. He believes the Village should take the rates as increments as the known factors come before the Council. He thinks doing otherwise is inconsistent with the Council's consensus to take a conservative approach in taxation to the community and looking for a means to charge

the public in a conservative manner.

Commissioner Waldack said there is only one Motion before the Council although there is an alternative in the packet. He is proud of the fact that the Village has a means of tracking the water. The City of Chicago and the DWC are raising their rates and he agrees with the ordinance as presented and that these increases should be passed through. The alternative would take a rate based on the widely publicized mismanagement of the DWC and apply that rate to the public's water bill. He does not feel it is appropriate to use the failed process of the DWC and pass on the infrastructure rate. Council has commissioned a study to look at the whole infrastructure situation and determine the true cost and impact associated with water delivery. It is likely that rates will have to be raised again, but we don't know that for sure. He noted that residents have just received their tax bills and now there is a water rate increase. This increase is strictly a pass through and any further increase is too early and inappropriate.

Commissioner Barnett clarified that the two issues in question are one rate, and a higher possible rate. One rate is a pass through based on the increase from the DuPage Water Commission due to the higher cost of water from Chicago. The alternative proposal is not to do with the DuPage Water Commission, but has to do with the Village and its own infrastructure needs. A consultant has been hired to study this. The Village knows the needs of the system and there may be a higher increase as the result of an in-depth study. The known needs are what drove the alternative to be a higher increase. He would like to try to plan for that increase now.

Mayor Sandack said divergent views are healthy. Water starts with the City of Chicago which has raised their rates for three years. The DWC is a customer and has to pay those rates. To this day, the DWC has subsidized those rates with sales tax receipts which have dropped off. The Commission has also spent \$19 million on operations that were intended for capital expenditures, which resulted in many problems for the DWC. The DWC recently raised their rates, but they are still subsidized. The DWC has no money and it is anticipated they will raise rates again and the Village will get a new rate from them soon. He noted that the Village has infrastructure, rates and capital expenditures of our own, which is the basis of a water rate study. There will be capital expenditures that will exceed reasonable expectations. What those costs will be, how the Village will deliver water, and other nuances are the basis of the study. Council voted for the study because water is an important service that the Village provides. He said Commissioner Waldack is correct in that the Village has funded its internal water system well, which can be easily tracked. Residents will see potentially two more increases in a short period of time. Council will have very difficult choices to make in the near future. The Mayor then addressed the alternatives. He feels the Village needs to be in front of this issue and possible increases. In 2016 the DWC subsidy will no longer be in effect. The Mayor said the Council and staff will continue to get information to the public. He said Commissioner Barnett's ideas have potential as the Village continues work on its budget. Last week the Manager said that the January confirmed sales tax receipts were 8-9% less than 2009. If that trend continues, there will be serious discussions facing the Council soon. Relying on the economy in bad times is bad process. He thanked everyone for the debate, and said he will vote in favor of the Motion, although he does see the alternative as viable.

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

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

Indexes: DuPage Water Commission, Water Rates

RES 00-04112

B. Resolution: Authorize a Professional Services Agreement with Sikich, LLC

Sponsors: Manager's Office

Summary of Item: This authorizes execution of a professional services agreement between the Village of Downers Grove and Sikich, LLP as a strategic planning facilitator.

A RESOLUTION AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND SIKICH, LLP

RESOLUTION 2010-44

Commissioner Beckman said he would not vote in favor of this, although he has no problem with the recommended group. His concern has been that the Village does not have, in this particular proposal, a formulated, professional means to assess the needs of the community, from the community. He understands that taking a different approach may be more effective, but he believes that cuts off a tool important to the Village. The economy has gone through a significant recession and the community's views may be different from last year.

Commissioner Waldack said he made his views known during the last discussion regarding hiring a firm without a public component. There is a distinction between public comment and public input. Public comment can be ignored in the final product. Public input would be a value-added aspect to the Strategic Plan. He believes proceeding without such a process is a huge mistake. He will not vote in favor of a process limited to public viewing and public comment only. He is skeptical about the governance part of the contract, as the Village already expended funds on one model and it is easy to assess how well that one worked. He will not support this Resolution.

Commissioner Schnell said she will support this measure, but asked for a clarification by the Manager. She said the proposal does not have a citizen summit, but it does have a citizen public survey.

Mr. Fieldman responded that the public engagement portion in the proposal is a review of all the public engagements which occurred in the past.

Commissioner Schnell said she thought the Village was going to go further by adding a component of a public survey to solicit further public information through the survey. She feels this is a good idea in that the additional information could be shared and could address some of the concerns of Commissioners Beckman and Waldack. She thinks it would be a good idea.

Mr. Fieldman said that Council members discussed this concept in terms of the Long Range Financial Plan. Staff would add that component to the Strategic Plan discussions if the Council gives staff that direction.

The Mayor responded that the majority of the Council agreed with the concept of a survey.

Commissioner Schnell said that she would like a survey to be part of the services provided.

Commissioner Neustadt said that he takes an informal survey of his own constituency and his friends and neighbors before meetings covering topics of this nature. Any information they can gather is valuable, and he suggested to his colleagues that they notify their e-mail list and have staff review the responses. He doesn't believe any input will be ignored.

Commissioner Beckman commented that he understands the importance of gauging those who have supported the Council members. He feels it is important to have questions that can be gauged and measured. He would want the Council to use a consistent series of questions professionally developed that would solicit answers based on the same criteria and same premise so they can be gauged and measured. The concept of using the website as a vehicle has merit, but he would want the Village to use the professional approach that the consultants could add.

Mr. Fieldman responded that a survey is not an amendment to the proposal. If the Council directs staff to do this during the course of the project, they will do it, but Sikich will not do it.

Commissioner Barnett said that last year the Village did not do Strategic Planning and replaced it primarily with the Long Range Financial Plan as there was an environmental need -- the economy -- that had to be addressed. The Council has for many years has had a huge amount of proactive outreach to the community for input. The Strategic Planning process ought to go on each year. He said the process is a continuous one, and to say that the Village can't go forward due to a lack of structure for outside input is "nuts." The Council needs to sit down without an agenda of business for this week, and discuss what happened with the Long Range Financial Plan and what we see for the next several years. It is a continuous process that should happen annually.

Commissioner Schnell commented that throughout her tenure, there were always Strategic Planning sessions. They were run differently, some with resident input, and they can be effective. She thinks they are trying to do something a bit different this year. If it doesn't work, they will try something else. She believes the Village has done Strategic Planning over the years in many different ways, and will continue to do so. She's willing to try something new and see if it works. If it doesn't they will try something else because there has to be a Plan every year.

Mayor Sandack responded that the last meeting and this meeting have brought forth some interesting commentary and a little bit of emotion that seems incongruent with the issue and expenditure of \$26,000. People can disagree, and there has been some disagreement over facilitation methods for the Strategic Plan. He reviewed the methods used in the last few years. He said one of the harshest critics did not like the facilitator method, so we moved to another method. Any distinctions between public comments and public input fall short of definitional reality. He then reviewed the meetings of TCD 3, the Long Range Financial Planning and Strategic Planning meetings, saying any meetings will be public and public input will be solicited and heard. He said the Village will ask residents to show up and participate. There is nothing nefarious or underhanded about that. If the Village chooses to throw in a survey process, they will try and make it as reliable as possible and glean whatever information is provided. There is always a mechanism to make corrections if the need occurs.

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

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

Indexes: Strategic Plan

8. First Reading

ORD 00-04145 A. Ordinance: Modifications for Burlington Avenue between Mochel Drive and Washington Street

Sponsors: Public Works and Transportation and Parking Commission

Public Works Director Nan Newlon said this was brought to the Village by the Downtown Management Corporation to address the parking needs of the Lemon Tree Grocery store between Mochel Drive and Washington Street. She said that on the north side there are 19 metered daily fee 12-hour parking spaces, and on the south side there are 20 3-hour parking spaces. The proposal is to remove the 19 parking spaces and put those into the parking deck. This has been reviewed by the Burlington Northern in relation to the Village's agreement with them. On the south side the recommendation is that the two spaces furthest to the left be designated as 30-minute loading zones. The remaining nine spaces to the west of the building would be designated as one-hour spaces, and the nine spaces east of Lemon Tree would be

designated as two-hour spaces. This was reviewed by the Transportation and Parking Committee (TAP) on November 14 and unanimously approved.

Mayor Sandack reiterated that Downtown Management has seen this and approved it. Mr. Fieldman said that they brought it forward.

Commissioner Beckman said he plans to support this and asked how they plan to monitor this. Ms. Newlon said staff will work with the Police Department for enforcement, and will also monitor the use.

Commissioner Schnell expressed concern about the enforcement and monitoring of this so there is no abuse. She asked for six month reports of the usage.

Commissioner Durkin said he's the liaison to the CBD, and this is a great tool for the future grocery store. He said that citations will be issued. He noted that the Village needs a comprehensive parking plan. He suggested a possible need to budget a comprehensive parking study to analyze this further, and he thinks this would be the ideal time for such a study. He supports this request.

Mayor Sandack agreed that this is a perfect point to bring to the Strategic Planning session. A comprehensive parking plan absolutely makes sense if it is available in the budget.

ORD 00-04143**B. Ordinance: Amend Special Event Liquor Licenses**

Sponsors: Liquor Commission

Mr. Fieldman said this would increase the Class "S" license which is a temporary, special event liquor license. The Liquor Ordinance allows for three special event licenses per year per location at present, but the proposal is to increase it to six licenses per year. The Liquor Commission considered this and recommended approval.

The Mayor said increasing from three to six is not a right, and still has to go through the application process.

Christine Fregeau, 1918 Elmore, noted that the Liquor Commission was unanimous in recommending this as fund-raising is a challenge. She said that at the meeting, time was spent discussing fee waivers and she did not see that mentioned in the minutes.

Village Attorney Enza Petrarca responded that fee waivers were discussed. She said that the Village has a fee waiver policy separate from this. Over the past year staff has been discussing fee waivers, and it was decided to keep this in the sole discretion of the Liquor Commissioner. Staff has not been recommending a waiver of fees. It is in the sole discretion of the Liquor Commissioner.

Indexes: Liquor Ordinance Amendments

ORD 00-04144**C. Ordinance: Amend Certain Liquor License Provisions**

Sponsors: Village Attorney and Liquor Commission

Mr. Fieldman said this amends gambling provisions at Class "C" licensed premises. This ordinance is a housekeeping ordinance with regard to gambling and charitable games conducted at not-for-profit establishments. Sections of the Ordinance are not consistent. This proposal is to make the sections consistent and in accordance with State law.

Woody Kawaters, Commander of the Downers Grove American Legion Post, thanked all involved in making this amendment.

Commissioner Schnell asked if there were only three Class "C" liquor licenses currently. The Village Attorney said that was correct and they must be State licensed.

Commissioner Durkin asked for clarification that this is only for the Class "C" license holders in the downtown area. Village Attorney Petrarca responded that an organization could not come into one of the hotels and hold charitable games at that location. Commissioner Durkin wanted to clarify that the 501(c)3 liquor license holders would be the only organizations that could do this in the Village. Village Attorney Petrarca concurred.

Indexes: Liquor Ordinance Amendments

ORD 00-04142 D. Ordinance: Amend the Ex-Officio Membership of the Community Events Commission

Sponsors: Village Attorney

The Village Manager said this amendment would add an ex-officio member -- the President of the Economic Development Corporation or his/her designee -- to the Community Events Commission.

Commissioner Beckman said he noticed that the proposed ordinance would appoint the president of the EDC or his or her designee as a non-voting ex-officio member. He asked if there would be a permanent substitute for the President of the EDC or if it would be the President and a substitute if the President cannot be in attendance. The Manager said he has not discussed this with the EDC, but will pursue it.

Commissioner Neustadt thanked staff for getting this to the Council quickly. The EDC plays a big part in marketing events in the Village to the community and business partners. He thinks the ex-officio member will be a great benefit to the Commission and community.

The Mayor concurred with those comments.

Indexes: Community Events Commission - Appointments

MOT 00-04126 B. Motion: Pre-Qualify Ten (10) Firms for Surveying Services Associated with FY2010 and FY2011 Community Investment Program Projects

Sponsors: Public Works

Summary of Item: This pre-qualifies the following ten (10) firms for surveying services associated with FY2010 and FY 2011 Community Investment Program projects:

Robinson Engineering
Engineering Resources Associates
Gewalt-Hamilton & Associates
Hampton Lenzini & Renwick
V3 Companies
Midwest Technical Consultants
M. Gingerich Gereaux & Associates
C.M. Lavoie Associates
Trotter & Associates
Thomson Surveying Ltd.

Mr. Fieldman said this Motion would prequalify ten firms for solicitation of proposals for individual services. The process of prequalifying is a competitive process and an RFQ was issued last year. Twenty firms responded.

Mayor Sandack apologized for not bringing his question forward earlier. He asked if the Village got local licensed surveyors that sought to serve. The Village Manager said they did not.

The Mayor asked the Village Attorney if there was a way to keep spots open or enlarge the field in case a local company wants to be prequalified.

Village Attorney Petrarca said that the Village is not legally bound to use only these firms.

Commissioner Beckman asked if the Village sought out local firms. Mr. Fieldman responded that the Village has close relationships with many firms in the Village. Staff will reach out to them, and if they receive qualified requests, staff will inform the Council.

Commissioner Waldack asked why it is limited to ten. The Manager said the number is related to the amount of time and effort it takes to process proposals and the relationship between the number of projects and the number of firms on the prequalification list. Commissioner Waldack then asked about the report cards. He said he would like to see all report cards, regardless of whether it was survey work, the idea being that a firm might apply that did not do survey work, but had a negative report card for the work they performed for the Village.

Indexes: Surveying Services

9. Mayor's Report

Materials to be Received

Materials to be Placed on File

10. Manager's Report

Mr. Fieldman said that the tax bills were published. Taxes were discussed in the Long Range Financial planning and the budget discussions. He asked Deputy Village Manager Mike Baker to discuss this matter.

Deputy Village Manager Mike Baker pointed out that a declining property value does not necessarily mean a lower property tax bill. He referred to the formula used to determine the tax bill - $\text{rate}/100 \times \text{value} = \text{tax bill}$. He explained that the Village's portion of the tax bill is represented by three lines of a total of 24 lines on the bill. Those are: VLG DWNRS GR-EX FIRE; PENSION FUND; VLG DWNRS GR FIRE. The public process to determine the Village tax levy began in May 2009. He reviewed the recommended general fund strategies. He then reviewed the 2009 tax levy, after abatements, to the 2008 levy with respect to three components -- General Fund Operating, Stormwater, and Fire and Police pensions. The increase in 2009 was \$1.3 million, or an increase of \$47.50 to an owner of a \$300,000 property. He said a series of actions were taken as part of fiscal year 2010 which were consistent with the Long Range Financial Planning, including expense reduction, revenue enhancement and strategic uses of reserves. There will be opportunities for public participation in the 2011 discussion process beginning June 11.

Commissioner Schnell noted that the assessed value is not decreasing. The three-year assessments would show the reduction. She asked for clarification. If a home is reduced by 10% of its assessed value, the fact that the Village levies an amount would make the tax bill the same because the Village doesn't levy a rate. Mr. Baker said that was correct. Commissioner Schnell said she believes there is a lot of confusion over this particular issue.

Mayor Sandack said that this issue will be discussed further. He asked the Village Manager and the Deputy Village Manager to continue discussions on this and distribute information. He noted that the Village receives about 10% of the total tax bill. If there is an increase, it does not mean that the increase goes to the Village. Paying for services to the community does not all come from the property taxes, but from many sources. He thanked Mr. Fieldman and Mr. Baker for this information and urged continued discussion and clarification on this issue.

11. Attorney's Report

Village Attorney Enza Petrarca said she was presenting four items to Council: 1) An ordinance amending the ex-officio membership of the Community Events Commission; 2) An ordinance amending parking provisions on Burlington Avenue; 3) An ordinance amending certain liquor license provisions relating to Class C Licenses; and 4) An ordinance amending special event liquor licenses.

Future Active Agenda

12. Council Member Reports and New Business

Commissioner Waldack said at the last meeting the Mayor issued a public challenge to him regarding stifling public opinion. Commissioner Waldack said he will not bother accepting the challenge from the Mayor because it was not based on anything Commissioner Waldack said. His comments regarding "stifling" were not used in conjunction with formalized public input, but was used in conjunction with the governance model. He said he was fully prepared to address the shortcomings and stifling aspects of the governance model as Council proceeded with those discussions. There were also several personal attacks, name calling and characterizations directed, and he would like to respond to those; however, Commissioner Waldack said that if Mayor Sandack would apologize for any personal attacks, name calling and characterizations, he would forego any further comments along those lines.

Mayor Sandack responded that he did not think he called Commissioner Waldack any names; however, Mayor Sandack apologized if Commissioner Waldack took any umbrage. He said he is sure he will get the same apology as will his colleagues.

Commissioner Waldack said he was called a martyr, self-serving, and a whiner. The Mayor said the comments were. The Mayor said there is no new business here, but invited Commissioner Waldack to feel free to continue.

Commissioner Waldack said he was willing to accept an apology. He thinks it was very clear to the public that he was called self-serving, a martyr, a whiner. He thinks if people disagree and take an opposite stand from the Mayor's, to refer to those people as whiners says a lot more, not to his stand on the issue, but as to the tolerance toward people who disagree. There was no self-serving martyrdom.

Commissioner Durkin said the Mayor apologized.

Commissioner Waldack asked if there was an apology.

Commissioner Waldack said there was name-calling and it was directed at him, and if there is an apology for that he would be more than happy to take the apology and forego any further comment.

Mayor Sandack responded in the negative, stating he had already made his comment.

Commissioner Waldack said that it seems very clear there is no apology.

Mayor Sandack replied that the record is the record, including last Tuesday. Anyone wishing to read or listen to those comments certainly has that right. Commissioner Waldack's characterization of it is certainly his opinion. The Mayor said he would welcome anyone else's objective review of it and the record is the record.

Commissioner Waldack said he made statements and the Mayor's comments were clearly directed at him. As far as being a martyr, in his opinion he is not a martyr. He doesn't look at George Armstrong Custer as a martyr either. He was just outnumbered by Sitting Bull and

Crazy Horse. He said that the Mayor's comments were totally out of line, and just an example of why the Village should not be spending money on a governance model if people are not going to followed it anyway. As far as this being New Business, this is a right he is invoking under Council Rule 13, which enables him to make those comments.

The Mayor asked if those comments were to be considered under New Business. Commissioner Waldack said he had to put it somewhere, and in the past these things were always put under New Business. The Mayor responded it would be under New Business even though Commissioner Waldack was not proposing anything.

Council Reports:

Commissioner Beckman said his comments are not exactly a report out. In the context of the most recent comments, he said that they have to have a way to be more effective in communication. He related an incident where recently a friend of his of Hispanic origin was profiled several months ago in a community far away. She was a naturalized American citizen and it cost her \$5,000 in legal fees to get out of the mess that was created. He said he shared this because last week he spent a week with his aged uncle in South Texas. They went across the border to Mexico, had a good meal and visit, and he picked up a "ranchero" hat, which is a Mexican cowboy hat. Yesterday he showed it to his neighbor, and a car full of teenagers drove by and yelled out some ethnic racial comments to him, and he thinks that we have started to get into an atmosphere where we have to find a quieter and gentler way of communicating. He hopes that as part of the result of the governance model, they can communicate more effectively without getting into personalities. He hopes they can more effectively work together as a result of the governance model, and he is looking forward to going through the process.

Commissioner Barnett said that communication is important, but that's like motherhood, apple pie and sunshine. Everyone agrees communication is important and an observer of the last 12 months would see that. Commissioner Waldack doesn't react as well as some others when he's in the minority. That's the bottom line. Statements of two weeks ago are clear in the record. There was a comment that in the Village's budget process people weren't listened to. Again, when you're on the short side of the stick, some do better than others. He will participate in any governance model developed, but they have to all respect each other and not suggest there is something conspiratorial and nefarious about being in that position.

Commissioner Schnell said that she hopes that discussions with the consultant will result in a way to express opinions and respect others. They need to be able to listen to other's opinions, put them behind themselves, and move on. They each hold responsibility, however, to be able to make those comments in a non-threatening, adult, respectful way so that comments and concerns they may have about an issue are not taken personally by any of the members on the dais. She had hoped through the consultant they would be able to work through the issues of how they say things. The way they say things is as important as what they say and they need to be cognizant of that. Her mother always told her to count to ten and not say something she would regret. The consultant saw what took place two weeks ago. Discussions were difficult. She hopes the consultant can take that and help the Council be able to express its opinions and move on. Commissioner Schnell said they need to move on in order to serve the community, and they need to keep an open mind

Commissioner Neustadt reported that on April 22, he and Commissioner Durkin went to the CVS ribbon-cutting with staff members. They will be a great addition to the community. He then commented on Management Intern Jamie who is at her last council meeting. She has worked on many great programs and given the Village a lot of service, including the Sister-City visit, the recycling extravaganza, and the Long Range Financial Planning presentation. Howard, Wisconsin gets a great employee. He thanked Jamie for her service to the community.

Commissioner Waldack said that next week will be the annual Barth Memorial on Monday, at

1:00 p.m. It is a moving experience and is representative of the people in Police Departments around the country. He invited residents to attend the Memorial.

Commissioner Durkin thanked the Rotary, Council and staff for coming together in creating the Grove Fest. It is a great start to a new beginning. He knows he asked a lot of questions regarding this event in terms of cost and organization, but he wanted it understood that his concerns were just that everything was covered properly. He is very pleased with this event and how it has come together.

Commissioner Durkin then announced that the Downers Grove Market opens this Saturday with over 65 vendors present. He also announced that rain barrel pick-ups will be at Village Hall.

Commissioner Durkin said the new CVS will be a great addition to the community and already revitalizes that shopping center. He thanked staff for attending the ribbon-cutting ceremonies for CVS and for DeVry University. It is a great showing to have staff attend events such as this. He added his best wishes to Jamie in her future endeavors.

Mayor Sandack said that Jamie will definitely be missed. She has exceeded the scope of her services. He wished her the best of luck. The Mayor said he attended the Olive Tap new grand opening on Mochel Drive. The Mayor noted that today was John Mochel's 84th birthday.

Mayor Sandack said that he intends to change Council liaisons, because he thinks it is good to have his colleagues become involved in a variety of areas. Regarding the budget, the Council will try to be as transparent and open this year as they can. They still have difficult challenges and will probably have to talk about cuts and new ways to do work in core services. He welcomed public attendance and input, and issued an open invitation to the public to give their opinions to the Council.

The Mayor then stated that Commissioner Waldack's comments and feelings are certainly valid and he would not try to contest them. Those who are interested in objectivity can go to the Village website, and pull the podcast under the Multimedia heading, and make their own determination as to the language and whether anyone was called anything inappropriate as well as what happened. Every Tuesday night there is a record. The Council has had a governance model since 2006, and every Council member signed it except one. He shares Commissioner Schnell's optimism. Council will develop rules of engagement and fair play and we will see who signs the new model and who abides by common courtesies and professional exchanges and who does not. The record will belie comments and subjective, after-the-fact determinations. We will let the record speak for itself.

13. Adjournment

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

Mayor Sandack declared the motion carried by voice vote and the meeting adjourned at 8:53 p.m.